CICERO

IN TWENTY-EIGHT VOLUMES

XIV

PRO T. ANNIO MILONE—IN L. CALPURNIUM PISONEM—PRO M. AEMILIO SCAURO—PRO M. FONTEIO—PRO C. RABIRIO POSTUMO —PRO M. MARCELLO—PRO Q. LIGARIO— PRO REGE DEIOTARO

WITH AN ENGLISH TRANSLATION BY

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XIV

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PRO SCAURO PRO FONTEIO
PRO RABIRIO POSTUMO
PRO MARCELLO PRO LIGARIO
PRO REGE DEIOTARO

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PREFATORY NOTE

In translating these speeches I have used the text of Baiter and Kayser (Tauchnitz, 1862), except for the *Pro Fonteio*, for which I have used that of Müller (Teubner, 1892). I have made considerable use of Long's edition of the speeches in the Reid Bibliotheca Classica, Clark's edition (Clarendon Press, 1918) and I am also under obligation in the *Pro Milone* to the editions of Poynton and Colson, and in the three "Caesarian" speeches to that of W. Y. Fausset.

The following MSS. are referred to in the critical notes:

V = Codex tabularii Basilicae Vaticanae (cont. *In Pisonem* 32-74).
T = Palimpsestus Taurinensis.
A = Palimpsestus Ambrosianus.

All dates are B.C., unless stated to be A.D.

THE SPEECH ON BEHALF OF TITUS ANNIUS MILO

INTRODUCTION

The conference at Luca (see Introduction to *In Pisonem*) gave the Triumvirate a new but precarious lease of power. Pompey and Crassus duly held the consulship together in 55, and carried enactments designed to check the lawlessness and corruption which the lack of a strong government was fostering. Before the end of the year Crassus left for Syria to open the attack upon Parthia which was to bring his career to an inglorious end at Carrhae.

His removal at once robbed the makeshift compromise of such temporary equilibrium as it had achieved. So long as its base was trilateral the structure stood ; but a dyarchy is of necessity only a stage on the road to monarchy, and a dyarchy compounded of forces so antithetic as the personalities of Pompey and Caesar could not but collapse under the conflict of strains and stresses that must ensue. The continual reports of Caesar's great conquests across the Alps precipitated the conflict in two ways : they revealed Caesar to Pompey as a dangerous rival in a field where hitherto he had stood alone, and they set up among the reactionary party in the Senate heart-searchings and forebodings which compelled it more and more openly to acclaim Pompey as the champion of the *status quo* and of the narrow and selfish system of world-exploitation for which they themselves stood.

That system was being daily stultified not only by

the corruption and oppression under which every province groaned, but even in Rome by the daily affrays and terrorism of anarchical leaders which the Senate, and even Pompey himself, were powerless to check. If democratic agitation had been Chartism under the Gracchi and Bolshevism under Saturninus, with Caesar's jackal Clodius at its head it became Hooliganism; and Hooligan Clodius could only be met by Hooligan Milo.

Milo had been tribune of the plebs in 57, and had raised gangs of the city rabble in that year to combat the similar gangs of Clodius in the interests of the Senate and of Cicero. He was no disinterested patriot, as Cicero would have us believe, but, deeply in debt as he was, and looking to the consulship and a province to follow as the most convenient means of repairing his ruined fortunes, he attached himself to such powers as could help him to achieve this end. For three years we hear little of their quarrels; but in the winter of 53, when Milo was standing for the consulship and Clodius for the praetorship, it broke out again with increased bitterness. Repeated disturbances caused the elections to be postponed until January. Then on the 18th of that month, almost certainly by pure coincidence, the two bravos met upon the Appian Way, and in the scuffle that ensued between their followers Clodius was slain.

Cicero's speech—or rather pamphlet—in Milo's defence is a model of special pleading. Apart from its appeals to emotion and political rancour, it endeavours to put Milo's conduct in favourable contrast to that of Clodius by astute suggestion and suppression.[a] Fortunately we have an impartial

[a] See especially § 63 note.

and trustworthy account of the affray given us by Asconius,[a] who wrote about a hundred years later, and by comparing the two accounts we can better realize Cicero's amazing skill as a barrister.

Milo was condemned and retired into exile at Massilia. We are told that, on receiving from Cicero a copy of the speech as revised for publication, he remarked, "It is as well that Cicero did not deliver it, for had he done so I should never have known the excellent flavour of these Massilian mullets." In 48 he joined Caelius in a freebooter rising against Caesar in southern Italy, where he met his end.

Poynton, in his introduction to the speech (Oxford University Press, 1892), says: "Those critics who approve nothing but success are of opinion that Cicero tried to prove too much, and that it would have been better to plead that Milo's crime was fully atoned for by the great benefits which followed the death of Clodius. His speech would then have been as monotonous in its paradox as it is in fact varied and interesting. And had he thrown himself simply upon the mercy of the court, how tiresome would have been that one long appeal to the feelings! Could we have endured a hundred sections like the ninety-ninth? As a literary effort the speech owes its celebrity to the skilful blending of all three elements, proof, paradox, and pathos. Nor again is it easy to praise the 'invention' less than the 'disposition.' If the whole is made up of exquisitely proportioned parts, the details are hardly less perfect."

[a] A translation of this account is printed as an appendix to this speech.

PRO T. ANNIO MILONE ORATIO

1 I. Etsi vereor, iudices, ne turpe sit pro fortissimo viro dicere incipientem timere minimeque deceat, cum T. Annius ipse magis de rei publicae salute quam de sua perturbetur, me ad eius causam parem animi magnitudinem adferre non posse, tamen haec novi iudicii nova forma terret oculos, qui quocumque inciderunt, consuetudinem fori et pristinum morem iudiciorum requirunt. Non enim corona consessus vester cinctus est, ut solebat; non usitata frequentia
2 stipati sumus; non illa praesidia, quae pro templis omnibus cernitis, etsi contra vim conlocata sunt, non adferunt tamen oratori aliquid, ut in foro et in iudicio, quamquam praesidiis salutaribus et necessariis saepti sumus, tamen ne non timere quidem sine aliquo timore possimus.

Quae si opposita Miloni putarem, cederem tempori,

[a] For a full and impartial account of the antecedents and circumstances of Milo's trial the reader is referred to the extracts from the commentary of Asconius printed as an appendix to this speech.

THE SPEECH ON BEHALF OF TITUS ANNIUS MILO[a]

(Intended for delivery before a Special Court of Inquiry: 52 B.C.)

I. Although I am afraid, gentlemen of the jury, 1
that fear is an unseemly condition in which to begin a speech in defence of the bravest of men; and that it is in the last degree unbecoming, seeing that Titus Annius himself is more anxious for the safety of the state than for his own, that I should be unable to bring to his case a greatness of spirit to equal his; still, the unprecedented aspect of this unprecedented trial alarms my eyes, which, fall where they may, look in vain for the familiar environment of the courts and the traditional procedure of the law. For your assembly is not thronged, as of old, by a ring of listeners; we are not encompassed by our customary concourse; and the train-bands which 2
you see before all the temples, albeit posted there to prevent violence, cannot but have their effect upon the pleader, so that here in a court of law and before a jury, though surrounded by troops who are at once a safeguard and a necessity, still even my immunity from fear cannot but have a touch of fear in it.

Did I think, gentlemen, that these precautions were pointed at Milo, I should bow to the situation;

iudices, nec inter tantam vim armorum existimarem esse oratori locum: sed me recreat et reficit Cn. Pompeii, sapientissimi et iustissimi viri, consilium, qui profecto nec iustitiae suae putaret esse, quem reum sententiis iudicum tradidisset, eundem telis militum dedere, nec sapientiae temeritatem concitatae multitudinis auctoritate publica armare.
3 Quam ob rem illa arma, centuriones, cohortes non periculum nobis, sed praesidium denuntiant, neque solum ut quieto, sed etiam ut magno animo simus hortantur, neque auxilium modo defensioni meae, verum etiam silentium pollicentur.

Reliqua vero multitudo, quae quidem est civium, tota nostra est, neque eorum quisquam, quos undique intuentis, unde aliqua fori pars aspici potest, et huius exitum iudicii exspectantis videtis, non cum virtuti Milonis favet tum de se, de liberis suis, de patria, de fortunis hodierno die decertari putat.

II. Unum genus est adversum infestumque nobis eorum, quos P. Clodii furor rapinis et incendiis et omnibus exitiis publicis pavit; qui hesterna etiam contione incitati sunt, ut vobis voce praeirent quid iudicaretis: quorum clamor si qui forte fuerit, admonere vos debebit, ut eum civem retineatis, qui semper genus illud hominum clamoresque maximos prae vestra salute neglexit.

I should think that amid the brute force of arms the pleader had no place. But I am revived and reassured by the discretion of the wise and upright Gnaeus Pompeius, who, I am sure, would neither think it compatible with his uprightness to surrender to the weapons of soldiers the very man whom he had entrusted for trial to the verdict of a jury; nor with his wisdom to arm with the sanction of the state the headstrong mood of an excited mob. Wherefore 3
yonder arms, centurions, and cohorts speak to me not of peril but of protection; they bid me be not only of a calm but of a courageous spirit; and promise to the defence not merely assistance, but also a silent hearing.

The rest, however, of this throng, so far as it consists of citizens, is ours to a man; and there is none of all those whose eyes you see turned upon you, in anticipation of the issue of this trial, from every quarter whence any part of the forum can be viewed, who, while supporting Milo's merits, does not at the same time think that a battle for himself, for his children, for his country, and for his fortunes is being fought to an issue on this day.

II. Our opponents and ill-wishers fall under a single class, which consists of those whom the madness of Publius Clodius has sated with plunderings and burnings and every form of disaster to the community; who at yesterday's mass-meeting were actually urged to dictate to you what your verdict was to be; and should any clamour of theirs be raised among you, it should surely warn you to retain in your midst a citizen who has always counted as naught this class of men and their most insistent clamours, when weighed against your well-being.

4 Quam ob rem adeste animis, iudices, et timorem, si quem habetis, deponite : nam si umquam de bonis et fortibus viris, si umquam de bene meritis civibus potestas vobis iudicandi fuit, si denique umquam locus amplissimorum ordinum delectis viris datus est, ut sua studia erga fortis et bonos civis, quae voltu et verbis saepe significassent, re et sententiis declararent, hoc profecto tempore eam potestatem omnem vos habetis, ut statuatis utrum nos, qui semper vestrae auctoritati dediti fuimus, semper miseri lugeamus an diu vexati a perditissimis civibus aliquando per vos ac per vestram fidem, virtutem
5 sapientiamque recreemur. Quid enim nobis duobus, iudices, laboriosius, quid magis sollicitum, magis exercitum dici aut fingi potest, qui spe amplissimorum praemiorum ad rem publicam adducti metu crudelissimorum suppliciorum carere non possumus ? Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum semper putavi Miloni esse subeundas, quia semper pro bonis contra improbos senserat, in iudicio vero et in eo consilio, in quo ex cunctis ordinibus amplissimi viri iudicarent, numquam existimavi spem ullam esse habituros Milonis inimicos ad eius non modo salutem exstinguendam, sed etiam gloriam per talis viros infringendam.

Wherefore, gentlemen, put your attention at my 4
service, and lay by any fears that may find place within you. For if ever you have had it in your power to declare your minds about gallant and loyal gentlemen or about meritorious citizens, finally if ever chosen men of the most honourable rank have had the opportunity of declaring by act and vote that attachment to loyal and gallant citizens which they have often signified by speech and countenance,—on this occasion assuredly you possess in all its plenitude the power of deciding whether we, who have always been devoted adherents of your authority, are to pine in continual wretchedness, or whether, after the long persecution we have suffered at the hands of despicable citizens, we are now at last, thanks to you and your loyalty, courage and wisdom, to be born anew. For what position 5
of greater hardship, anxiety, or distress can be suggested or imagined than that occupied by my client and myself, who, induced to enter a political career by the hope of winning the proudest rewards, cannot free ourselves from fear of the most cruel penalties ? For my part, I always considered that Milo must expect to face all other storms and tempests, those at all events that are met with upon the troubled waters of popular meetings, for the reason that his sympathies had always been on the side of patriots against agitators ; but in a trial—in a court where the most influential members of all the orders were to give their verdict, never did I think that Milo's enemies would entertain any hope, I do not say of bringing about his utter ruin, but even of impairing his high reputation by such instrumentality.

6 Quamquam in hac causa, iudices, T. Annii tribunatu rebusque omnibus pro salute rei publicae gestis ad huius criminis defensionem non abutemur. Nisi oculis videritis insidias Miloni a Clodio factas, nec deprecaturi sumus, ut crimen hoc nobis propter multa praeclara in rem publicam merita condonetis, nec postulaturi, ut, si mors P. Clodii salus vestra fuerit, idcirco eam virtuti Milonis potius quam populi Romani felicitati adsignetis; sed si illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, iudices, si cetera amisimus, hoc saltem nobis ut relinquatur, ab inimicorum audacia telisque vitam ut impune liceat defendere.

7 III. Sed ante quam ad eam orationem venio, quae est propria vestrae quaestionis, videntur ea esse refutanda, quae et in senatu ab inimicis saepe iactata sunt et in contione ab improbis et paulo ante ab accusatoribus, ut omni errore sublato rem plane, quae veniat in iudicium, videre possitis. Negant intueri lucem esse fas ei, qui a se hominem occisum esse fateatur. In qua tandem urbe hoc homines stultissimi disputant? Nempe in ea, quae primum iudicium de capite vidit M. Horatii, fortissimi viri, qui nondum libera civitate tamen populi Romani comitiis liberatus est, cum sua manu sororem

[a] After killing the three Curiatii, the surviving Horatius killed his sister because she displayed grief. Sentenced to death, but acquitted on appeal to the people.

In the present case, however, gentlemen, I shall not take illicit advantage of the tribunate of Titus Annius, nor of all his activities for the good of the state, in order to rebut this charge. Unless I can succeed in giving you palpable proof that a conspiracy was formed against Milo by Clodius, I do not propose to ask you to waive the present charge in consideration of my client's many distinguished services to the state; nor to demand that, if the death of Publius Clodius has proved your salvation, you should therefore ascribe it to the merits of Milo rather than to the good fortune of the Roman people. Only when the plot laid by Clodius shall have shone forth clearer than the light of day, shall I beg and implore you, gentlemen, that, having lost all else, this right at least we may retain—the right of fearlessly defending our life against the unscrupulous weapons of our foes. 6

III. But before I pass on to that part of my argument which bears specifically on the issue before you, 7
I think I should refute the persistent allegations which have been made by our enemies in the Senate, by malcontents in public meetings, and just now by counsel for the prosecution, in order that by the removal of every cloud of misapprehension you may clearly survey the matter before the court. They assert that the man who by his own admission has slain a fellow-creature has no right to look upon the light of day. And in what city, pray, is this fatuous assertion maintained? Why, in the city which witnessed, as its earliest capital case, the trial of the gallant Marcus Horatius,[a] who, even before the community had gained its freedom, was freed by the Assembly of the Roman people, though he confessed

8 esse interfectam fateretur. An est quisquam qui hoc ignoret, cum de homine occiso quaeratur, aut negari solere omnino esse factum aut recte et iure factum esse defendi? Nisi vero existimatis dementem P. Africanum fuisse, qui cum a C. Carbone tribuno plebis seditiose in contione interrogaretur quid de Ti. Gracchi morte sentiret, responderit iure caesum videri. Neque enim posset aut Ahala ille Servilius aut P. Nasica aut L. Opimius aut C. Marius aut me consule senatus non nefarius haberi, si sceleratos civis interfici nefas esset. Itaque hoc, iudices, non sine causa etiam fictis fabulis doctissimi homines memoriae prodiderunt, eum, qui patris ulciscendi causa matrem necavisset, variatis hominum sententiis non solum divina, sed etiam sapientissimae
9 deae sententia liberatum. Quod si duodecim tabulae nocturnum furem quoquo modo, diurnum autem, si se telo defenderet, interfici impune voluerunt, quis est qui, quoquo modo quis interfectus sit, puniendum putet, cum videat aliquando gladium nobis ad hominem occidendum ab ipsis porrigi legibus?

IV. Atqui si tempus est ullum iure hominis necandi, quae multa sunt, certe illud est non modo iustum, verum etiam necessarium, cum vi vis inlata defenditur. Pudicitiam cum eriperet militi tribunus

[a] *Trib. pl.* 133, offered himself unconstitutionally for re-election, and was slain by a mob of senators, led by P. Nasica.

[b] Killed Sp. Maelius, 439, on the ground that he was intriguing to make himself king.

[c] Slayer of C. Gracchus, 121.

[d] Crushed the revolutionary leaders, Saturninus and Glaucia, 100.

[e] Aeschylus in his *Eumenides*, where Orestes is acquitted by Athena's casting-vote.

that by his own hand he had slain his sister. Or is 8
there anyone who is unaware that when inquiry is held into a murder, the act is either categorically denied, or that its commission is defended as right and justified?—unless indeed you hold that Publius Africanus was mad when, on being maliciously asked in a public meeting by Gaius Carbo, tribune of the plebs, what was his opinion concerning the death of Tiberius Gracchus,[a] he replied that he thought he had been deservedly slain. Indeed, neither the great Servilius Ahala[b] nor Publius Nasica nor Lucius Opimius[c] nor Gaius Marius[d] nor the Senate, in my consulship, could be held other than detestable, were the murder of criminal citizens in itself a detestable act. And so too, gentlemen, it is not without reason that even in their fictions accomplished poets[e] have narrated how one, who, to avenge a father, had slain a mother, was, though the human vote was divided, acquitted by a sentence that proceeded not merely from a divine being, but from the wisest of the goddesses.
If the Twelve Tables enacted that a thief by night 9
might be slain with impunity in any circumstances, and a thief by day if he defended himself with a weapon, who is there who can hold that punishment should follow *any* act of slaying, whatever its circumstances, seeing, as he does, that at times the laws themselves hold out to us a sword for the slaying of a fellow-creature?

IV. And if there is any occasion (and there are many such) when homicide is justifiable, it is surely not merely justifiable but even inevitable when the offer of violence is repelled by violence. Once a soldier in the army of Gaius Marius suffered an

militaris in exercitu C. Marii, propinquus eius imperatoris, interfectus ab eo est, cui vim adferebat; facere enim probus adulescens periculose quam perpeti turpiter maluit; atque hunc ille summus vir
10 scelere solutum periculo liberavit. Insidiatori vero et latroni quae potest inferri iniusta nex? Quid comitatus nostri, quid gladii volunt? Quos habere certe non liceret, si uti illis nullo pacto liceret. Est igitur haec, iudices, non scripta, sed nata lex, quam non didicimus, accepimus, legimus, verum ex natura ipsa adripuimus, hausimus, expressimus, ad quam non docti, sed facti, non instituti, sed imbuti sumus, ut, si vita nostra in aliquas insidias, si in vim et in tela aut latronum aut inimicorum incidisset, omnis
11 honesta ratio esset expediendae salutis; silent enim leges inter arma nec se exspectari iubent, cum ei, qui exspectare velit, ante iniusta poena luenda sit quam iusta repetenda: etsi persapienter et quodam modo tacite dat ipsa lex potestatem defendendi, quae non hominem occidi, sed esse cum telo hominis occidendi causa vetat, ut, cum causa, non telum quaereretur, qui sui defendendi causa telo esset usus, non hominis occidendi causa habuisse telum iudicaretur. Qua-

indecent assault at the hands of a military tribune, a relative of the commander; and the assailant was slain by his intended victim, who, being an upright youth, preferred to act at his peril rather than to endure to his dishonour. What is more, the great general absolved the offence and acquitted the offender. But against an assassin and a brigand 10
what murderous onslaught can want justification? What is the meaning of the bodyguards that attend us and the swords that we carry? We should certainly not be permitted to have them, were we never to be permitted to use them. There does exist therefore, gentlemen, a law which is a law not of the statute-book, but of nature; a law which we possess not by instruction, tradition, or reading, but which we have caught, imbibed, and sucked in at Nature's own breast; a law which comes to us not by education but by constitution, not by training but by intuition—the law, I mean, that, should our life have fallen into any snare, into the violence and the weapons of robbers or foes, every method of winning a way to safety would be morally justifiable.
When arms speak, the laws are silent; they bid none 11
to await their word, since he who chooses to await it must pay an undeserved penalty ere he can exact a deserved one. And yet most wisely, and, in a way, tacitly, the law itself authorizes self-defence; it forbids not homicide, but the carrying of a weapon with a view to homicide, and consequently when the circumstances of the case and not the carrying of the weapon was being investigated, the man who had employed a weapon in self-defence was not held to have carried that weapon with a view to homicide. So let this consideration be held in view,

propter hoc maneat in causa, iudices; non enim dubito quin probaturus sim vobis defensionem meam, si id memineritis, quod oblivisci non potestis, insidiatorem iure interfici posse.

12 V. Sequitur illud, quod a Milonis inimicis saepissime dicitur, caedem, in qua P. Clodius occisus est, senatum iudicasse contra rem publicam esse factam. Illam vero senatus non sententiis suis solum, sed etiam studiis comprobavit. Quotiens enim est illa causa a nobis acta in senatu! Quibus adsensionibus universi ordinis, quam nec tacitis nec occultis! Quando enim frequentissimo senatu quattuor aut summum quinque sunt inventi qui Milonis causam non probarent? Declarant huius ambusti tribuni plebis illae intermortuae contiones, quibus cotidie meam potentiam invidiose criminabatur, cum diceret senatum non quod sentiret, sed quod ego vellem decernere; quae quidem si potentia est appellanda potius quam aut propter magna in rem publicam merita mediocris in bonis causis auctoritas aut propter hos officiosos labores meos non nulla apud bonos gratia, appelletur ita sane, dum modo ea nos utamur pro salute bonorum contra amentiam perditorum.

13 Hanc vero quaestionem, etsi non est iniqua, numquam tamen senatus constituendam putavit; erant enim leges, erant quaestiones vel de caede vel de

[a] Munatius Plancus, who was literally singed in the fires that cut short (*intermortuae*) his harangues; see App. § 4.

gentlemen, throughout the case; for I have no doubt that I shall make good my case for the defence, if you will bear in mind (and it is a fact that you cannot forget) that the slaying of a conspirator may be a justifiable act.

V. The next point to consider is one that is 12
repeatedly urged by Milo's enemies; it is that the affray which involved the death of Clodius has been judged by the Senate to be an act contrary to the interests of the state. But the Senate approved it, not only by its votes, but by its declared sympathy. How often has this cause been pleaded by me in the Senate! How outspoken and unreserved has been the agreement evinced by the whole House! For when, at the Senate's most crowded meetings, have there been found four, or at most five, members to declare their disapproval of Milo's case? That is what is made manifest by the moribund harangues of this half-burnt [a] tribune, in which he daily and maliciously inveighed against my ascendancy, asserting that the Senate's decrees embodied not its opinions, but my wishes. As for this ascendancy, if indeed it should be so described, or rather some moderate influence in honest causes due to great public services, or a certain measure of popularity with loyal citizens due to my conscientious professional labours,—well, let it by all means be so described, granted that I employ it for the welfare of patriots against the madness of desperadoes.

But, as to the process under which this case is being 13
tried, although it is not unjust, still the Senate has never held that its constitution was necessary. For both laws and legal processes dealing with murder and assault were already in existence; and the

vi, nec tantum maerorem ac luctum senatui mors P. Clodii adferebat, ut nova quaestio constitueretur; cuius enim de illo incesto stupro iudicium decernendi senatui potestas esset erepta, de eius interitu quis potest credere senatum iudicium novum constituendum putasse? Cur igitur incendium curiae, oppugnationem aedium M. Lepidi, caedem hanc ipsam contra rem publicam senatus factam esse decrevit? Quia nulla vis umquam est in libera civitate sus-
14 cepta inter civis non contra rem publicam. Non enim est illa defensio contra vim umquam optanda, sed non numquam est necessaria: nisi vero aut ille dies, quo Ti. Gracchus est caesus, aut ille, quo Gaius, aut quo arma Saturnini oppressa sunt, etiam si e re publica oppressa sunt, rem publicam tamen non volnerarunt. VI. Itaque ego ipse decrevi, cum caedem in Appia factam esse constaret, non eum, qui se defendisset, contra rem publicam fecisse, sed, cum inesset in re vis et insidiae, crimen iudicio reservavi, rem notavi. Quod si per furiosum illum tribunum senatui quod sentiebat perficere licuisset, novam quaestionem nullam haberemus; decernebat enim, ut veteribus legibus, tantum modo extra

[a] Clodius's violation of the rites of Bona Dea.

grief and consternation with which the Senate was afflicted by Clodius's death were not such as to render the constitution of a new process necessary. The Senate had been deprived of the right of determining the character of the court that should try him for that act of gross lewdness[a]; and is it credible that the Senate thought that a special court should be set on foot to deal with his death? Why then did the Senate pronounce that the burning of the Senate-house, the siege of the house of Marcus Lepidus, and this very affray with which we are dealing was contrary to the interests of the state? Because no violence is ever used between citizens in a free state which is otherwise than contrary to the
interests of the state. Self-defence against violence 14
is never to be desired, but there are occasions when it is inevitable—unless, indeed, the day when Tiberius Gracchus was slain, or that on which his brother Gaius, or the arms of Saturninus, were crushed, even though their crushing was demanded by the public interest, inflicted no wound upon the state. VI. It was in accordance with this principle that I myself, since an affray had admittedly occurred on the Appian Way, gave it as my opinion, not that one who had defended himself had acted contrary to the interests of the state, but, since the affair contained elements of violence and intrigue, I left the question of guilt to a jury while expressing my disapprobation of the business generally. And had that lunatic tribune permitted the Senate to execute its purpose, we should not be resorting to-day to a specially enacted process. It intended to decree that an inquiry should be held under the existing laws, but that special precedence should be given

ordinem, quaereretur. Divisa sententia est postulante nescio quo: nihil enim necesse est omnium me flagitia proferre. Sic reliqua auctoritas senatus
15 empta intercessione sublata est. At enim Cn. Pompeius rogatione sua et de re et de causa iudicavit: tulit enim de caede, quae in Appia via facta esset, in qua P. Clodius occisus esset. Quid ergo tulit? Nempe ut quaereretur. Quid porro quaerendum est? Factumne sit? At constat. A quo? At paret. Vidit igitur etiam in confessione facti iuris tamen defensionem suscipi posse: quod nisi vidisset posse absolvi eum, qui fateretur, cum videret nos fateri, neque quaeri umquam iussisset nec vobis tam hanc salutarem in iudicando litteram quam illam tristem dedisset. Mihi vero Cn. Pompeius non modo nihil gravius contra Milonem iudicasse, sed etiam statuisse videtur quid vos in iudicando spectare oporteret; nam qui non poenam confessioni, sed defensionem dedit, is causam interitus
16 quaerendam, non interitum putavit. Iam illud ipse dicet profecto, quod sua sponte fecit, Publione Clodio tribuendum putarit an tempori.

VII. Domi suae nobilissimus vir, senatus pro-

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[a] Any senator could, by crying "*divide*," demand that each clause of a composite motion should be voted upon separately.

[b] *A* (*absolvo*) and *C* (*condemno*) stamped on either face of the juryman's voting-tablet; one letter was erased by the holder before registering his vote.

to the case. A separate vote[a] was taken, on the motion of somebody or other,—I need not expose the misdemeanours of everybody,—and so the rest of the Senate's resolution was invalidated by means of a suborned veto.

"But," it may be objected, "Gnaeus Pompeius 15
by his motion stated his opinion both on the fact and on the rights of the case; for he introduced a measure dealing with the affray which took place on the Appian Way, in which Publius Clodius was slain." What then was this measure? That an inquiry should be held, of course. What then is to be the subject of inquiry? Whether the deed was committed? But no one questions it. By whom then? But it is patent. He saw, then, that even where the fact was admitted, a plea of justification might still be sustained. Had he not seen that the man who admitted the deed, as he saw that my client admitted it, had a chance of acquittal, he would not have ordered an inquiry to be held, nor would he have given you the letter of weal for the recording of your votes along with the letter of woe.[b] For my part I think that Gnaeus Pompeius, so far from making a damaging pronouncement against Milo, has definitely laid down what it is that you ought to consider in coming to a decision; for by meeting confession of the fact not by a penalty, but by permission to plead, he has declared his opinion that it is the circumstances and not the fact of death that should be inquired into. No doubt he 16
will soon tell us himself whether the course which he took on his own initiative was taken as a tribute to the merits of Publius Clodius or to the emergency.

VII. A great nobleman, a champion—and in those

pugnator atque illis quidem temporibus paene patronus, avunculus huius iudicis nostri, fortissimi viri, M. Catonis, tribunus plebis M. Drusus occisus est: nihil de eius morte populus consultus, nulla quaestio decreta a senatu est. Quantum luctum in hac urbe fuisse a nostris patribus accepimus, cum P. Africano domi suae quiescenti illa nocturna vis esset inlata? Quis tum non gemuit? Quis non arsit dolore, quem immortalem, si fieri posset, omnes esse cuperent, eius ne necessariam quidem exspectatam esse mortem! num igitur ulla quaestio de Africani morte
17 lata est? Certe nulla. Quid ita? Quia non alio facinore clari homines, alio obscuri necantur: intersit inter vitae dignitatem summorum atque infimorum; mors quidem inlata per scelus isdem et poenis teneatur et legibus; nisi forte magis erit parricida, si qui consularem patrem quam si quis humilem necarit, aut eo mors atrocior erit P. Clodii, quod is in monumentis maiorum suorum sit interfectus—hoc enim ab istis saepe dicitur,—proinde quasi Appius ille Caecus viam muniverit, non qua populus uteretur, sed ubi impune sui posteri latrocinarentur!

18 Itaque in eadem ista Appia via cum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum; homo enim

[a] After proposing a law to extend the franchise to Italians, 91.

[b] *i.e.*, Scipio Aemilianus, who in 129 took from Tib. Gracchus's Land Commission its powers of allotment.

[c] *i.e.*, not only upon the Via Appia, which his ancestor the Censor had laid out, but among the tombs of the Claudii which fringed it.

[d] Clodius in 58 was intriguing to restore to his kingdom Tigranes, prince of Armenia, who was held in custody by Pompey. Tigranes was being conveyed secretly out of Rome when Papirius and other Pompeians tried to prevent his escape.

troublous times almost a patron—of the Senate, Marcus Drusus, uncle of our gallant juryman Marcus Cato, and tribune of the plebs, was murdered in his own house.[a] There was no consultation of the people about his death; no special process was enacted by the Senate. How great the grief which, as our fathers have told us, filled the city, when that blow was dealt by night to Publius Africanus[b] as he rested at his home! Who then did not groan? Who did not burn with grief that the man for whom all desired immortality, if it were possible, should not even have been allowed to wait for his end in the course of nature! Was there, then, any special process proposed for inquiry into Africanus's death? None,
assuredly. Why so? Because the guilt of murder 17
does not differ when the victim is renowned and when he is obscure. In life let there be a distinction of standing between the highest and the lowest; but let death at least, when criminally inflicted, be amenable to both penalties and laws which shall be invariable—unless indeed a parricide is more truly so when the father he has murdered is an ex-consul than when he is a nobody, or unless the death of Publius Clodius is rendered more shocking by the fact that he was slain amid the monuments of his ancestors[c]—for this is what our opponents reiterate —asking us to believe that Appius the Blind constructed a road, not for the use of the people, but as a place wherein his descendants might with impunity play the highwayman.

This, I suppose, was why, when Publius Clodius 18
on the self-same Appian Way murdered the accomplished Roman knight Marcus Papirius,[d] the crime was not such as to demand punishment; it was an

nobilis in suis monumentis equitem Romanum occiderat: nunc eiusdem Appiae nomen quantas tragoedias excitat! Quae cruentata antea caede honesti atque innocentis viri silebatur, eadem nunc crebro usurpatur, postea quam latronis et parricidae sanguine imbuta est. Sed quid ego illa commemoro? Comprehensus est in templo Castoris servus P. Clodii, quem ille ad Cn. Pompeium interficiendum conlocarat; extorta est ei confitenti sica de manibus; caruit foro postea Pompeius, caruit senatu, caruit publico; ianua se ac parietibus, non iure legum
19 iudiciorumque texit: num quae rogatio lata, num quae nova quaestio decreta est? Atqui si res, si vir, si tempus ullum dignum fuit, certe haec in illa causa summa omnia fuerunt: insidiator erat in foro conlocatus atque in vestibulo ipso senatus; ei viro autem mors parabatur, cuius in vita nitebatur salus civitatis; eo porro rei publicae tempore, quo, si unus ille occidisset, non haec solum civitas, sed gentes omnes concidissent. Nisi vero quia perfecta res non est, non fuit poenienda, proinde quasi exitus rerum, non hominum consilia legibus vindicentur: minus dolendum fuit re non perfecta, sed poeniendum
20 certe nihilo minus. Quotiens ego ipse, iudices, ex P.

aristocrat who, amid the memorials of his family, had slain a Roman knight; and now what mighty melodramas are evoked by the name of this same Appian Way! When erstwhile it was dyed with the blood of a respected and guileless man, not a voice was raised; but now, since it has been stained with the blood of a cut-throat and a parricide, with what persistence is it harped upon! But why do I enlarge upon these instances? There was arrested in the temple of Castor a slave of Publius Clodius whom he had posted there to murder Gnaeus Pompeius; he confessed, and the dagger was wrenched from his hand. Thereafter Pompeius shunned the forum, shunned the Senate, shunned the public eye; he sheltered himself behind doors and walls, not behind the rights secured to him by the laws and the courts. Was any motion proposed, any new 19
process enacted? Yet surely if ever there was an occasion, a subject, or a time so important as to require such a step, all these were of prime importance in this case. The conspirator had been posted in the forum, in the very vestibule of the Senate; he was plotting the death of one on whose life reposed the welfare of the community,—and this at so grave a crisis in public affairs that, had he and none else fallen, not this state alone, but whole nations, would have lain in the dust. Unless indeed the crime, because it was unsuccessful, should be unpunished,—just as if it were the issue of an attempted crime, and not the purpose of the criminal, of which laws had to take cognizance. Its failure gave us the less cause for grief, but surely not a whit the less cause for punishment. How often, gentlemen, have 20
I myself escaped from Publius Clodius's weapons

Clodii telis et ex cruentis eius manibus effugi! Ex quibus si me non vel mea vel rei publicae fortuna servasset, quis tandem de interitu meo quaestionem tulisset?

VIII. Sed stulti sumus qui Drusum, qui Africanum, Pompeium, nosmet ipsos cum P. Clodio conferre audeamus; tolerabilia fuerunt illa: P. Clodii mortem aequo animo ferre nemo potest: luget senatus, maeret equester ordo, tota civitas confecta senio est, squalent municipia, adflictantur coloniae, agri denique ipsi tam beneficum, tam salutarem, tam mansue-
21 tum civem desiderant. Non fuit ea causa, iudices, profecto, non fuit cur sibi censeret Pompeius quaestionem ferendam, sed homo sapiens atque alta et divina quadam mente praeditus multa vidit: fuisse illum sibi inimicum, familiarem Milonem; in communi omnium laetitia si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatae gratiae; multa etiam alia vidit, sed illud maxime, quamvis atrociter ipse tulisset, vos tamen fortiter iudicaturos. Itaque delegit ex florentissimis ordinibus ipsa lumina, neque vero, quod non nulli dictitant, secrevit in iudicibus legendis amicos meos; neque enim hoc cogitavit vir iustissimus, neque in bonis viris legendis id adsequi potuisset, etiam si cupisset. Non enim mea gratia familiaritatibus continetur, quae late patere non possunt, propterea quod consuetudines victus non possunt esse cum multis; sed, si quid

[a] This passage is of course ironical.
[b] *i.e.*, with Clodius.

and his gory hands! And had my own good fortune and that of the state not preserved me therefrom, who, pray, would have moved a judicial inquiry upon my death?

VIII. But how absurd of me to dare to compare Drusus, Africanus, Pompeius and myself with Publius Clodius![a] Those acts were tolerable; none can with equanimity endure the death of Publius Clodius! The Senate mourns; the equestrian order is inconsolable; the whole community is bowed down with affliction; the municipalities wear the garb of woe; the colonies are heart-broken; why, the very fields are pining for a citizen so kindly, so
beneficent, so gentle. No, gentlemen, this assuredly 21
was not the reason why Pompeius thought that a special process should be enacted. No; but in his large wisdom, his profound and almost prophetic endowment of soul, he took a wide view. Clodius was his foe, Milo his friend; if he too rejoiced in the universal delight, he was afraid lest the genuineness of the reconciliation[b] which had taken place might be in some degree discredited. Much else too he saw, but one thing above all—that, stern as the terms of his motion were, you would still give an unflinching verdict. Accordingly he selected men of light and leading from the most distinguished orders; and he did not, as is commonly alleged, exclude my friends in his selection of the jury. He was far too upright ever to have entertained the idea, nor, even had he desired to do so, could he, in selecting good men, possibly have succeeded. For the regard I enjoy is not confined to those intimacies which cannot be extensive, because life's closer relationships can exist only between a few; but, if I possess any in-

possumus, ex eo possumus, quod res publica nos coniunxit cum bonis: ex quibus ille cum optimos viros legeret idque maxime ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei.

22 Quod vero te, L. Domiti, huic quaestioni praeesse maxime voluit, nihil quaesivit aliud nisi iustitiam, gravitatem, humanitatem, fidem. Tulit ut consularem necesse esset: credo, quod principum munus esse ducebat resistere et levitati multitudinis et perditorum temeritati; ex consularibus te creavit potissimum: dederas enim quam contemneres popularis insanias iam ab adulescentia documenta maxima.

23 IX. Quam ob rem, iudices, ut aliquando ad causam crimenque veniamus, si neque omnis confessio facti est inusitata, neque de causa nostra quicquam aliter ac nos vellemus a senatu iudicatum est, et lator ipse legis cum esset controversia nulla facti, iuris tamen disceptationem esse voluit et ei lecti iudices isque praepositus *est* quaestioni, qui haec iuste sapienterque disceptet, reliquum est, iudices, ut nihil iam quaerere aliud debeatis nisi uter utri insidias fecerit. Quod quo facilius argumentis perspicere possitis, rem gestam vobis dum breviter expono, quaeso, diligenter attendite.

24 P. Clodius cum statuisset omni scelere in praetura

fluence, this influence arises from the fact that public life has linked my lot with that of good men. Making his choice from among the best of these, and believing that his own credit was closely bound up with his choice, he could not possibly choose men who were not my adherents. As to his particular wish 22 that you, Lucius Domitius, should preside over this inquiry, all he wanted was justice, dignity, broadmindedness and integrity. He proposed that the position should be open only to those of consular rank—no doubt because he thought that it was the peculiar function of our leading men to resist the thoughtlessness of the proletariate and the recklessness of agitators. He appointed you from among the whole number of ex-consuls; for from early youth you had given signal proof of your contempt for demagogic follies.

IX. Wherefore, gentlemen,—that we may at 23 length pass on to the charge which is the subject of this trial,—if avowal of the fact is not wholly unprecedented, if no judgement has been passed by the Senate on our case otherwise than in accordance with our wishes; if the mover of the law himself, though there was no dispute about the fact, desired that the question of right should none the less be discussed; if the jurymen selected and the president appointed were such as would fairly and wisely investigate the case; then it only remains for you to decide, gentlemen, which of the two was guilty of conspiracy against the other. And in order that in the light of proofs you may get a clearer view of this question, please give me your careful attention while I lay before you a short narrative of the occurrence.

Publius Clodius had determined to harass the 24

vexare rem publicam videretque ita tracta esse comitia anno superiore, ut non multos mensis praeturam gerere posset, qui non honoris gradum spectaret, ut ceteri, sed et L. Paulum conlegam effugere vellet, singulari virtute civem, et annum integrum ad dilacerandam rem publicam quaereret, subito reliquit annum suum seseque in annum proximum transtulit, non, ut fit, religione aliqua, sed ut haberet, quod ipse dicebat, ad praeturam gerendam, hoc est, ad evertendam rem publicam, plenum annum atque integrum.

25 Occurrebat ei mancam ac debilem praeturam futuram suam consule Milone; eum porro summo consensu populi Romani consulem fieri videbat. Contulit se ad eius competitores, sed ita, totam ut petitionem ipse solus etiam invitis illis gubernaret, tota ut comitia suis, ut dictitabat, umeris sustineret; convocabat tribus, se interponebat, Collinam novam dilectu perditissimorum civium conscribebat: quanto ille plura miscebat, tanto hic magis in dies convalescebat. Ubi vidit homo ad omne facinus paratissimus fortissimum virum, inimicissimum suum, certissimum consulem, idque intellexit non solum sermonibus, sed etiam suffragiis populi Romani saepe esse

[a] *i.e.*, the earliest in which the *Lex Villia* allowed a man to stand for any office. Clodius had been aedile in 56 and could have been elected praetor in 54.

[b] The Colline was deemed the most disreputable of the four City tribes; C. is speaking metaphorically, meaning that Clodius organized *sodalicia* (political clubs) of roughs, and distributed them as a leaven among the tribes.

state during his praetorship by every kind of lawless behaviour. He saw that the elections of the previous year had been so protracted that he would be able to hold his praetorship for no more than a few months. For that high office, which is what most men desire, he cared nothing; all he wanted was to avoid having Lucius Paulus, a citizen of exceptional merit, as his colleague, and to have an entire year in which to maul the state. He therefore suddenly abandoned his proper year,[a] and transferred his name to the year following—not led thereto, as commonly happens, by any religious scruple, but in order that, according to his own account, he might enjoy for the exercise of his praetorship—that is to say, for the subversion of the state—a full and unbroken year.

He was haunted by the thought that his praetor- 25
ship would be maimed and enfeebled if Milo were consul; and, what was more, he saw that Milo bade fair to be elected consul, with the hearty concurrence of the Roman people. He attached himself to Milo's fellow-candidates, but on condition that he should have entire direction of the whole canvass, even to the extent of acting against their will—that he should, as he described it, carry the whole election on his own shoulders. He was for assembling the tribes; for offering his services as agent; for registering a new Colline[b] tribe by enrolling citizens of abandoned character. But the more Clodius worked his will, the stronger Milo daily grew. When Clodius, alert for every chance of evil-doing, saw that a resolute man who was his bitterest foe would without a shadow of doubt be consul, when he realized that this had been clearly intimated not only by the talk but also by the votes of the Roman

declaratum, palam agere coepit et aperte dicere
26 occidendum Milonem. Servos agrestis et barbaros, quibus silvas publicas depopulatus erat Etruriamque vexarat, ex Apennino deduxerat, quos videbatis. Res erat minime obscura: etenim palam dictitabat consulatum Miloni eripi non posse, vitam posse. Significavit hoc saepe in senatu, dixit in contione; quin etiam M. Favonio, fortissimo viro, quaerenti ex eo qua spe fureret Milone vivo, respondit triduo illum aut summum quadriduo esse periturum; quam vocem eius ad hunc M. Catonem statim Favonius detulit.

27 X. Interim cum sciret Clodius—neque enim erat difficile scire—iter sollemne, legitimum, necessarium ante diem XIII Kalendas Februarias Miloni esse Lanuvium ad flaminem prodendum, quod erat dictator Lanuvii Milo, Roma subito ipse profectus pridie est, ut ante suum fundum, quod re intellectum est, Miloni insidias conlocaret; atque ita profectus est, ut contionem turbulentam, in qua eius furor desideratus est, quae illo ipso die habita est, relinqueret, quam nisi obire facinoris locum tempusque voluisset, numquam reliquisset.

28 Milo autem cum in senatu fuisset eo die, quoad senatus est dimissus, domum venit, calceos et vestimenta mutavit, paulisper, dum se uxor, ut fit, comparat, commoratus est, dein profectus id tem-

people, then he began to work openly, and declare in plain terms that Milo must be slain. He had 26
brought down from the Apennines rude and boorish slaves, whom he had employed to raid the public forests and to harass Etruria, and whom you saw. He made not the slightest secret of the matter; nay, he openly asserted that, if Milo's consulate could not be taken from him, at least his life could. He often made allusion to this in the Senate, and stated it in mass-meetings. Nor was this all; but when the gallant Marcus Favonius asked him what he hoped for in his frenzy, so long as Milo lived, he replied that in three, or at most four, days Milo would be dead—a remark which Favonius immediately reported to our friend here, Marcus Cato.

X. Meanwhile, since Clodius knew—and it was 27
not difficult to know—that Milo, being Dictator at Lanuvium, had to undertake a journey, obligatory by ritual and law, to that town on January 18th to declare the election of a flamen, he himself suddenly left Rome on the day previous, in order, as the sequel showed, that he might, in front of his manor, lay an ambush against Milo. What is more, his departure involved his abandoning an uproarious public meeting which was held on the same day, and in which the inspiration of his mad spirit was sadly missed; and which he would never have abandoned, had he not desired punctually to be present at the place of his enterprise.

Milo, on the other hand, after having been in the 28
Senate that day until its dismissal, went home, changed his shoes and his raiment, waited for a short time while his wife made such preparations as ladies must make, and finally started out so late that

poris, cum iam Clodius, si quidem eo die Romam venturus erat, redire potuisset. Obviam fit ei Clodius, expeditus, in equo, nulla raeda, nullis impedimentis, nullis Graecis comitibus, ut solebat, sine uxore, quod numquam fere: cum hic insidiator, qui iter illud ad caedem faciendam apparasset, cum uxore veheretur in raeda, paenulatus, magno et impedito et muliebri ac delicato ancillarum puerorum-
29 que comitatu. Fit obviam Clodio ante fundum eius hora fere undecima aut non multo secus: statim complures cum telis in hunc faciunt de loco superiore impetum; adversi raedarium occidunt; cum autem hic de raeda reiecta paenula desiluisset seque acri animo defenderet, illi, qui erant cum Clodio, gladiis eductis, partim recurrere ad raedam, ut a tergo Milonem adorirentur, partim, quod hunc iam interfectum putarent, caedere incipiunt eius servos, qui post erant; ex quibus qui animo fideli in dominum et praesenti fuerunt, partim occisi sunt, partim, cum ad raedam pugnari viderent, domino succurrere prohiberentur, Milonem occisum et ex ipso Clodio audirent et re vera putarent, fecerunt id servi Milonis — dicam enim aperte non derivandi criminis causa, sed ut factum est — nec imperante nec sciente nec praesente domino, quod suos quisque servos in tali re facere voluisset.

30 XI. Haec, sicuti exposui, ita gesta sunt, iudices:

[a] C. lays stress upon this in order to provide in advance a reason for M.'s giving his slaves their freedom. Failing such explanation, that suggested in § 57 would naturally offer itself.

Clodius might have already returned to Rome, had he ever intended to do so. He was met by Clodius, unencumbered, on horseback, no coach, no baggage, no customary Greek companions, without his wife (which he scarcely ever was); while our supposed conspirator, who (we are told) had planned the expedition with a view to murder, was driving with his wife in a coach, wrapped in his travelling-cloak, with a large, cumbersome, effeminate and dainty retinue of waiting-maids and pages. He meets 29
Clodius in front of his manor at about the eleventh hour, or not far off it. An attack is immediately made upon my client by several armed men posted on higher ground; others stand in the way of the coach and kill the coachman; but when Milo flung back his cloak, leapt from the vehicle, and defended himself with energy, Clodius's party drew their swords, and either ran to the coach intending to attack Milo in the rear, or, under the impression that he had been already slain, began to cut down the slaves who were following. Such of these as showed presence of mind and loyalty towards their master were either slain, or, seeing that a fight was going on around the coach, and being prevented from coming to their master's assistance, when they heard from Clodius's own lips that Milo was killed and believed his report to be true, Milo's slaves, I say,[a]—and I shall only describe the event as it took place, without any idea of shifting the charge from my client,—did, without the orders or the knowledge or the presence of their master, what every man would have wished his own slaves to do in like circumstances.

XI. My narrative, gentlemen, is in exact corre- 30

insidiator superatus est, vi victa vis vel potius oppressa virtute audacia est. Nihil dico quid res publica consecuta sit, nihil quid vos, nihil quid omnes boni: nihil sane id prosit Miloni, qui hoc fato natus est, ut ne se quidem servare potuerit quin una rem publicam vosque servaret. Si id iure fieri non potuit, nihil habeo quod defendam; sin hoc et ratio doctis et necessitas barbaris et mos gentibus et feris etiam beluis natura ipsa praescripsit, ut omnem semper vim, quacumque ope possent, a corpore, a capite, a vita sua propulsarent, non potestis hoc facinus improbum iudicare quin simul iudicetis omnibus, qui in latrones inciderint, aut illorum telis aut vestris
31 sententiis esse pereundum. Quod si ita putasset, certe optabilius Miloni fuit dare iugulum P. Clodio, non semel ab illo neque tum primum petitum, quam iugulari a vobis, quia se non iugulandum illi tradidisset; sin hoc nemo vestrum ita sentit, non illud iam in iudicium venit, occisusne sit, quod fatemur, sed iure an iniuria, quod multis in causis saepe quaesitum est. Insidias factas esse constat, et id est, quod senatus contra rem publicam factum iudicavit; ab utro factae sint incertum est: de hoc igitur latum est ut quaereretur. Ita et senatus rem, non hominem

[a] But notice the points of disagreement in the account given by Asconius, App. §§ 2, 3.

spondence with the facts.[a] A conspirator was overcome. Violence was by violence vanquished, or rather effrontery was overpowered by valour. I say nothing of the gain to the public weal, to yourselves, to all patriots. Let this count not a jot in Milo's favour; the fate that presided at his birth had forbidden that he should save even himself without at the same time saving the state and yourselves. If his act could not be justified, then I have no defence to offer. But if it is a truth instilled into civilized beings by reason, into barbarians by necessity, into mankind by custom, and even into brute beasts by Nature herself, that always and in all circumstances they should repel violence, by whatever means were in their power, from their persons, their heads, and their lives,—then you cannot judge this to have been a wicked act without at the same time judging that all who have fallen upon robbers deserve to perish, if not by *their* weapons, then by *your* votes. Had my client thought so, surely it 31
would have been more desirable for him to bare to Clodius that neck which he had sought not once alone nor then for the first time, rather than to be done to death by you, because he had not surrendered himself to be done to death by Clodius. But if none of you feels thus, then the point before the court to-day is not, was Clodius slain—for we admit it—but was the act justifiable or not—an issue which has often been raised in many cases. It is admitted that a plot was laid, and this it is that the Senate has pronounced to be an act contrary to the interests of the state; but it is uncertain which of the two was responsible for the plot; into this, then, it was moved that you should inquire. In the same

notavit et Pompeius de iure, non de facto quaestionem tulit. XII. Num quid igitur aliud in iudicium venit nisi uter utri insidias fecerit? Profecto nihil: si hic illi, ut ne sit impune; si ille huic, ut scelere solvamur.

32 Quonam igitur pacto probari potest insidias Miloni fecisse Clodium? Satis est in illa quidem tam audaci, tam nefaria belua docere, magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. Itaque illud Cassianum, "cui bono fuerit," in his personis valeat, etsi boni nullo emolumento impelluntur in fraudem, improbi saepe parvo. Atqui Milone interfecto Clodius haec adsequebatur, non modo ut praetor esset non eo consule, quo sceleris nihil facere posset, sed etiam ut eis consulibus praetor esset, quibus si non adiuvantibus, at coniventibus certe speraret posse se eludere in illis suis cogitatis furoribus: cuius illi conatus, ut ipse ratiocinabatur, nec cuperent reprimere, si possent, cum tantum beneficium ei se debere arbitrarentur, et, si vellent, fortasse vix possent frangere hominis sceleratissimi conroboratam iam vetustate audaciam.

33 An vero, iudices, vos soli ignoratis, vos hospites

[a] C. is throwing dust in the eyes of the jury. He puts the possible alternatives as two: (1) M. plotted against C.; (2) C. plotted against M.; and treats them as mutually exclusive. But there are two others: (3) neither plotted against the other; (4) each plotted against the other.

[b] L. Cassius Longinus, *trib. pl.* 137, always, when presiding in court, urged the jury to guide their vote by this maxim. Note how often *Cui bono?* is used to-day by journalists and others in the impossible sense of "what is the good?"

way, the Senate censured the act, not the agent; and it was to decide the question of justification, not that of fact, that Pompeius enacted the special process. XII. Is there, then, any other question before the court than this—which of the two plotted against the other? Obviously none; if my client plotted against Clodius, let him not go unpunished; if Clodius against Milo, let us be acquitted.[a]

How then can I prove to your satisfaction that it was Clodius who laid a plot against Milo? Dealing as we are with a monster of such reckless impiety, it is enough to demonstrate that he had a great inducement to kill Milo, and great expectations and great advantages held out to him in the event of his death. Accordingly let Cassius's famous test, "Who stood to gain?"[b] be applied to the characters now before us; only let us remember that no self-interest will ever drive the good man into crime, while the bad man is often impelled thereto by one that is but trivial. And, as a matter of fact, Clodius, by Milo's death, did stand to gain not only that his praetorship would *not* fall under a consul who would render him powerless for ill, but also that his praetorship *would* fall under consuls with whose connivance, at least, if not with their aid, he hoped that he might have full scope for the mad schemes which he entertained—men who, so at least he reasoned, would not be anxious to check his efforts if they could, since they would be sensible of the deep debt they owed him, and who, even if they wished, would perhaps scarce be able to crush that audacity in the vilest of scoundrels which time had by now brought to its full vigour. 32

But do you live in solitary ignorance, gentlemen? 33

in hac urbe versamini, vestrae peregrinantur aures neque in hoc pervagato civitatis sermone versantur, quas ille leges, si leges nominandae sunt ac non faces urbis, pestes rei publicae, fuerit impositurus nobis omnibus atque inusturus? Exhibe, quaeso, Sexte Clodi, exhibe librarium illud legum vestrarum, quod te aiunt eripuisse e domo et ex mediis armis turbaque nocturna tamquam Palladium sustulisse, ut praeclarum videlicet munus atque instrumentum tribunatus ad aliquem, si nactus esses, qui tuo arbitrio tribunatum gereret, deferre posses. . . .[1] Et aspexit me illis quidem oculis, quibus tum solebat, cum omnibus omnia minabatur. Movet me quippe lumen curiae! Quid? XIII. Tu me tibi iratum, Sexte, putas, cuius inimicissimum multo crudelius etiam poenitus es, quam erat humanitatis meae postulare? Tu P. Clodii cruentum cadaver eiecisti domo, tu in publicum abiecisti, tu spoliatum imaginibus, exsequiis, pompa, laudatione, infelicissimis lignis semiustilatum nocturnis canibus dilaniandum reliquisti. Qua re, etsi nefarie fecisti, tamen, quoniam in meo inimico crudelitatem exprompsisti tuam, laudare non possum, irasci certe non debeo.

34 Audistis, iudices, quantum Clodii interfuerit occidi Milonem: convertite animos nunc vicissim ad

[1] *There is a gap in the sense here; the fragments quoted by Quint. and a scholiast, which editors usually insert, are unsatisfactory, and I prefer to leave an hiatus.*

[a] Agent, and probably freedman, of P. Clodius. See App. § 4 for Asconius's account of this incident.

[b] Image of Pallas which rendered Troy impregnable, traditionally rescued by Aeneas at the sack of the city.

[c] C. uses *lumen* in a double sense: (1) shining light (ironically), (2) glare; in reference to the burning of the Senate-house.

Do you move as strangers in this city? Are *your* ears wool-gathering? Do they dwell aloof from the rumours which are bruited among our populace—as to the laws (if laws they should be called, and not rather firebrands for the city's doom and plagues for the scourging of the commonwealth) which he intended to inflict upon us, and with the mark of which he hoped to brand us all? Out, Sextus Clodius,[a] out with that portfolio of laws which you snatched, we are told, from the house, and bore safely like a Palladium [b] from the weapons and the welter of the night, that you might bestow it as a precious boon and an engine of tribunician power on anyone you might find who was ready to hold the tribunate under your conditions! . . . And he has fixed me with that glare he used to give when hurling threats upon all and sundry. I declare I am unmanned by that shining—ay, that burning [c]—light of the Senate-house! XIII. Ah, Sextus, do you think that I am angry with you? Why, you wreaked upon my bitterest foe a far more pitiless vengeance than I, with my nicer susceptibilities, could have demanded. You cast out of doors Publius Clodius's gory corpse; you flung it into the highway; and there, robbed of its images, its train of mourners, its pageantry and its panegyric, you charred it on a pile of ill-starred timber, and left it to be mauled by the dogs that haunt the dark! Doubtless it was a shameful act; but since it was upon my foe that you vented your ruthlessness, though I cannot praise, I certainly have no right to cherish anger against you.

You have heard, gentlemen, how greatly it was to 34
Clodius's interest that Milo should be slain; now

Milonem. Quid Milonis intererat interfici Clodium? Quid erat cur Milo non dicam admitteret, sed optaret? "Obstabat in spe consulatus Miloni Clodius." At eo repugnante fiebat, immo vero eo fiebat magis, nec me suffragatore meliore utebatur quam Clodio. Valebat apud vos, iudices, Milonis erga me remque publicam meritorum memoria, valebant preces et lacrimae nostrae, quibus ego tum vos mirifice moveri sentiebam, sed plus multo valebat periculorum impendentium timor. Quis enim erat civium qui sibi solutam P. Clodii praeturam sine maximo rerum novarum metu proponeret? Solutam autem fore videbatis, nisi esset is consul, qui eam auderet possetque constringere: eum Milonem unum esse cum sentiret universus populus Romanus, quis dubitaret suffragio suo se metu, periculo rem publicam liberare? At nunc, Clodio remoto, usitatis iam rebus enitendum est Miloni, ut tueatur dignitatem suam; singularis illa et huic uni concessa gloria, quae cotidie augebatur frangendis furoribus Clodianis, iam Clodii morte cecidit. Vos adepti estis, ne quem civem metueretis; hic exercitationem virtutis, suffragationem consulatus, fontem perennem gloriae suae perdidit: itaque Milonis consulatus, qui vivo

in turn consider Milo. What did Milo stand to gain by the murder of Clodius? What reason had Milo, I will not say for committing, but for desiring it? Clodius, you say, was an obstacle to Milo in his ambition to win the consulship. Yes, but he was in a fair way to be made consul in spite of Clodius's opposition—nay, all the more so on account of it. Why, my own efforts won him no more votes than did those of Clodius. You, gentlemen, were still moved by the memory of Milo's services to myself and to the state; you were moved by our prayers and tears, which, as I realized at the time, made a deep impression upon you; but most of all were you moved by the fear of impending perils. For what citizen was there who could view the prospect of Clodius's unfettered tenure of the praetorship without grave apprehension of a revolution? Unfettered you knew it would be, unless the consul were one who had both courage and power to bind it. Such a man the whole Roman people saw in Milo; and who could falter in giving his vote to free himself from fear and the state from danger? Now, however, that Clodius is cleared from his path, it is to the ordinary means that Milo must henceforth resort in his endeavours to uphold his merits. That unique glory, of which he held a monopoly, and which was daily being enhanced by his efforts to stem the madness of Clodius, has, by Clodius's death, now fallen. *You* have achieved your own immunity from fear of any citizen; Milo has lost scope for the exercise of his valour, a source of votes for his election as consul, and an ever-flowing wellspring of renown for himself. So it comes about that Milo's candidature, which during Clodius's life

Clodio labefactari non poterat, mortuo denique temptari coeptus est. Non modo igitur nihil prodest,
35 sed obest etiam Clodii mors Miloni. "At valuit odium, fecit iratus, fecit inimicus, fuit ultor iniuriae, poenitor doloris sui." Quid? si haec non dico maiora fuerunt in Clodio quam in Milone, sed in illo maxima, nulla in hoc, quid voltis amplius? Quid enim odisset Clodium Milo, segetem ac materiem suae gloriae, praeter hoc civile odium, quo omnis improbos odimus? Ille erat ut odisset primum defensorem salutis meae, deinde vexatorem furoris, domitorem armorum suorum, postremo etiam accusatorem suum; reus enim Milonis lege Plotia fuit Clodius, quoad vixit. Quo tandem animo hoc tyrannum illum tulisse creditis? Quantum odium illius et in homine iniusto quam etiam iustum fuisse?

36 XIV. Reliquum est ut iam illum natura ipsius consuetudoque defendat, hunc autem haec eadem coarguat: nihil per vim umquam Clodius, omnia per vim Milo. Quid? Ego, iudices, cum maerentibus vobis urbe cessi, iudiciumne timui? Non servos, non arma, non vim? Quae fuisset igitur iusta causa restituendi mei, nisi fuisset iniusta eiciendi? Diem mihi, credo, dixerat, multam inrogarat, actionem perduellionis

[a] *i.e.*, under the *Lex Plotia de Vi* for rioting after C.'s recall; M. gave notice of the prosecution but never commenced it.

stood firm against all assaults, only now after his death begins to be attacked. It is not true merely to say that Milo reaps no benefit from Clodius's death; he actually loses by it. "Ah yes," it will 35 be urged, "but hatred was a strong motive; he acted in anger, in bitterness; he played the rôle of avenger of his own wrong, redresser of his own grievance." What! if these motives were, I will not say stronger in Clodius than in Milo, but overmastering in Clodius and non-existent in my client, what more do you ask? What reason had Milo for hating Clodius, who was food and fuel for his renown, save that public-spirited hatred wherewith we hate all bad men? It may well be that Clodius hated one who was, first, the upholder of my well-being, secondly, the chastiser of his madness and the vanquisher of his arms, and lastly also, his own accuser, for Clodius, as long as he lived, was under an indictment from Milo by the terms of the Plotian law.[a] How do you suppose that tyrant brooked this? How bitter and, by his own standard of just dealing, how just must his hatred have been!

XIV. There still remains the argument that the 36 natural disposition and habits of Clodius himself are in his favour, whereas the defendant in these respects stands condemned. Clodius, we are told, never acted with violence, Milo never without it. How is this? When I, gentlemen, left the city amid the grief of you all, was it a trial that I feared? Was it not rather slaves, arms, violence? What just cause would there have been for my restoration, if there had not been an unjust one for my ejection? He had, presumably, served me with a writ, moved for the imposition of a fine, laid against me an impeachment

intenderat, et mihi videlicet in causa aut mala aut mea, non et praeclarissima et vestra, iudicium timendum fuit: servorum et egentium civium et facinorosorum armis meos civis, meis consiliis peri-
37 culisque servatos, pro me obici nolui. Vidi enim, vidi hunc ipsum Q. Hortensium, lumen et ornamentum rei publicae, paene interfici servorum manu, cum mihi adesset; qua in turba C. Vibienus senator, vir optimus, cum hoc cum esset una, ita est mulcatus, ut vitam amiserit. Itaque quando illius postea sica illa, quam a Catilina acceperat, conquievit? Haec intentata nobis est, huic ego vos obici pro me non sum passus, haec insidiata Pompeio est, haec istam Appiam, monimentum sui nominis, nece Papirii cruentavit, haec eadem longo intervallo conversa rursus est in me; nuper quidem, ut scitis, me ad regiam paene confecit.

38 Quid simile Milonis? Cuius vis omnis haec semper fuit, ne P. Clodius cum in iudicium detrahi non posset, vi oppressam civitatem teneret; quem si interficere voluisset quantae quotiens occasiones, quam praeclarae fuerunt! Potuitne, cum domum ac deos penatis suos illo oppugnante defenderet, iure se ulcisci? Potuitne civi egregio et viro fortissimo,

[a] *i.e.* the *Regia*, Numa's palace on the *Via Sacra*.

for high treason; and I, I suppose, had to fear the verdict of a jury in a case which was ignoble, or at least personal, instead of being both a glorious and a national one: it was to the weapons of slaves and of needy and wicked citizens that I refused that my fellow-citizens, who had been preserved by my measures and at my peril, should be exposed in my behalf. For I saw even Quintus Hortensius here, 37
the light and ornament of the state, almost done to death by the hands of slaves, for standing by me; and in the same riot the excellent senator Gaius Vibienus paid the penalty of being with him by being so roughly handled that he died. And so, from this time forward, when did his dagger, which Catiline had bequeathed to him, rest in its sheath? That it is which has threatened us; to that I have not suffered that you should be exposed in my behalf; that lay in wait for Pompeius; that drenched with the life-blood of Papirius the Appian Way which perpetuated its wielder's name; that too was many years later once again aimed at myself, for but recently, as you are aware, it nearly wrought my destruction near the King's House.[a]

What has Milo to show in this kind? Any 38
violence that *he* ever used had the sole purpose of preventing Clodius, since he could not hale him before the courts, from crushing the community beneath the thraldom of violence; and, had he chosen to slay him, how many, how great, how glorious, were his opportunities! When he was defending his home and his household gods against Clodius's attacks, could he not have taken a justifiable vengeance? Could he not have done so, when that noble citizen and gallant gentleman, Publius

P. Sestio, conlega suo, volnerato? Potuitne Q. Fabricio, viro optimo, cum de reditu meo legem ferret, pulso, crudelissima in foro caede facta? Potuitne L. Caecilii, iustissimi fortissimique praetoris, oppugnata domo? Potuitne illo die, cum est lata lex de me, cum totius Italiae concursus, quem mea salus concitarat, facti illius gloriam libens agnovisset, ut, etiam si id Milo fecisset, cuncta civitas eam laudem pro sua vindicaret?

39 XV. At quod erat tempus! Clarissimus et fortissimus consul, inimicus Clodio P. Lentulus, ultor sceleris illius, propugnator senatus, defensor vestrae voluntatis, patronus publici consensus, restitutor salutis meae; septem praetores, octo tribuni plebei, illius adversarii, defensores mei; Cn. Pompeius, auctor et dux mei reditus, illius hostis, cuius sententiam senatus omnis de salute mea gravissimam et ornatissimam secutus est, qui populum Romanum est cohortatus; qui cum de me decretum Capuae fecisset, ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit, ut ad me restituendum Romam concurrerent; omnium denique in illum odia civium ardebant desiderio mei, quem qui tum interemisset, non de impunitate eius, sed de praemiis cogitaretur.

[a] P. S. and Q. F. were *trib. pl.*, and L. C. was *praetor*, in 57, and all were workers for C.'s recall.

[b] The train of thought is: (XV.) M. never used violence to C. when he had everything to gain, (XVI.) would he have done so when he had everything to lose?

Sestius,[a] his colleague, had been wounded? Or when the worthy Quintus Fabricius,[a] proposing a measure for my restoration, was ejected, and a ghastly massacre took place in the forum? Or when the house of that upright and courageous praetor, Lucius Caecilius,[a] was besieged? Could he not have done so on that great day when the law concerning me was proposed, when all Italy, summoned by my welfare and mustered in her thousands, would gladly have acclaimed the glory of such a deed, so that even had Milo been its real author the whole state would have evermore assumed the renown of it as its own?

XV. But what a time for the deed![b] There was a brave and distinguished consul, Publius Lentulus, hostile to Clodius, the avenger of his crimes, the bulwark of the Senate, the champion of your will, the promoter of the general unanimity, the restorer of my civic rights; there were seven praetors and eight tribunes of the plebs, his opponents and my defenders; there was Gnaeus Pompeius, inspirer and leader of my restoration and foe of Clodius, whose weighty and eloquent pronouncement with regard to my welfare was supported by the whole Senate, who urged the Roman people to act; who himself by the decree about me that he had passed at Capua gave the signal to the whole of Italy, which was on the tip-toe of desire and imploring his assistance, that they should flock to Rome in order to restore me,—then indeed it was that through its yearning for me the universal hatred of the citizens blazed up against Clodius, and had anyone slain him then, there would be no deliberation about acquittal, but about reward. And yet Milo held 40

40 Tamen se Milo continuit et P. Clodium in iudicium bis, ad vim numquam vocavit. Quid? Privato Milone et reo ad populum accusante P. Clodio, cum in Cn. Pompeium pro Milone dicentem impetus factus est, quae tum non modo occasio, sed etiam causa illius opprimendi fuit? Nuper vero cum M. Antonius summam spem salutis bonis omnibus attulisset gravissimamque adulescens nobilissimus rei publicae partem fortissime suscepisset, atque illam beluam, iudicii laqueos declinantem, iam inretitam teneret, qui locus, quod tempus illud, di immortales, fuit! Cum se ille fugiens in scalarum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nulla sua invidia, M. vero Antonii
41 maxima gloria? Quid? Comitiis in campo quotiens potestas fuit! Cum ille in saepta ruisset, gladios destringendos, lapides iaciendos curavisset, dein subito voltu Milonis perterritus fugeret ad Tiberim, vos et omnes boni vota faceretis, ut Miloni uti virtute sua liberet.

XVI. Quem igitur cum omnium gratia noluit, hunc voluit cum aliquorum querella? Quem iure, quem loco, quem tempore, quem impune non est ausus, hunc iniuria, iniquo loco, alieno tempore, periculo

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[a] The future Triumvir.

himself in, and though he twice challenged Clodius at law, he never challenged him to a trial of force. Again, when Milo was a private citizen and answering a charge before the people at the instance of Publius Clodius, an attack was made upon Gnaeus Pompeius during his speech in Milo's defence; surely that was not merely an opportunity but even a justification for the crushing of Clodius! Recently too, when Marcus Antonius[a] had inspired all good patriots with high and beneficent hopes, and when he, a young man of high rank, had courageously taken upon himself the discharge of a lofty rôle in public life, and had already enmeshed in his toils the monster who was struggling to escape the nets of justice, what a chance, what an opportunity, ye gods, was that! When Clodius had fled into a cupboard under a staircase and had hidden himself, would it have been hard for Milo to finish off the pest with no discredit to himself and to the great glory of Marcus Antonius? Again, at the elections 41
in the Campus how often had he the chance!—when Clodius had rushed into the enclosures, and had given orders for the drawing of swords and the hurling of stones, and then, cowed by Milo's sudden glance, was fleeing towards the Tiber, while you and all good patriots breathed a prayer that Milo might be pleased to give free play to the valour that was in him.

XVI. Did he then desire, when some people were sure to protest, to do what he refused to do when all would have been delighted? He did not venture to slay Clodius when he might have done so lawfully, advantageously, opportunely, with impunity; and did he have no hesitation in slaying him unlawfully, disadvantageously, inopportunely, and at the

42 capitis non dubitavit occidere? Praesertim, iudices, cum honoris amplissimi contentio et dies comitiorum subesset, quo quidem tempore—scio enim quam timida sit ambitio quantaque et quam sollicita sit cupiditas consulatus—omnia, non modo quae reprehendi palam, sed etiam obscure quae cogitari possunt, timemus, rumorem, fabulam fictam, levem perhorrescimus, ora omnium atque oculos intuemur. Nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile quam voluntas erga nos sensusque civium, qui non modo improbitati irascuntur candidatorum, sed etiam in recte factis saepe fas-

43 tidiunt. Hunc igitur diem campi speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus prae se ferens et confitens ad illa augusta centuriarum auspicia veniebat? Quam hoc non credibile in hoc! Quam idem in Clodio non dubitandum cum se ille interfecto Milone regnaturum putaret! Quid? Quod caput est audaciae, iudices, quis ignorat maximam inlecebram esse peccandi impunitatis spem? In utro igitur haec fuit? In Milone, qui etiam nunc reus est facti aut praeclari aut certe necessarii, an in Clodio, qui ita iudicia poenamque contempserat, ut eum nihil delectaret quod aut per naturam fas esset aut per leges liceret?

risk of his own life?—at a time moreover, gentlemen, 42
when a struggle for the highest honours and the day of election were close at hand; a time when—for I know what nervous work canvassing is, how intense and how wearing is the pursuit of the consulship—a time when we are afraid not merely of every censure which can be laid against us openly, but even of every vague suggestion of the imagination; any rumour, any exaggerated silly fiction makes us quake; we eagerly scan every expression upon every face. For there is nothing so pliable, so delicate, so easy to break or to bend, as the feeling and attitude of our fellow-citizens towards us; it is not merely misconduct on the part of the candidates that rouses their wrath, but even unexceptionable behaviour often leaves them captious.

With the prospect, then, before him of the election- 43
day, on which all his hopes and desires were set, did Milo propose, bearing in his bloody hands an emblazoned avowal of his wicked crime, to be present at the solemn taking of auspices for the centuries? Incredible behaviour, surely, in a man like my client! Behaviour, too, that one might confidently look for from Clodius, believing, as he did, that Milo's death would seat him in a despot's throne. Again (and herein lies the secret of all wicked venture), is it not an admitted fact that there is no temptation to crime so powerful as the prospect of impunity? And which of these two could cherish such a prospect? Milo, who, as it is, is on his trial for a deed which was at least unavoidable, if not heroic?—or Clodius, whose contempt for verdicts and penalties had made it impossible for him to find pleasure in aught that nature hallowed or that law permitted?

44 Sed quid ego argumentor? Quid plura disputo? Te, Q. Petili, appello, optimum et fortissimum civem; te, M. Cato, testor, quos mihi divina quaedam sors dedit iudices: vos ex M. Favonio audistis Clodium sibi dixisse et audistis vivo Clodio periturum Milonem triduo: post diem tertium gesta res est quam dixerat. Cum ille non dubitarit aperire quid cogitaret, vos potestis dubitare quid fecerit?

45 XVII. Quem ad modum igitur eum dies non fefellit? Dixi equidem modo: dictatoris Lanuvini stata sacrificia nosse negotii nihil erat; vidit necesse esse Miloni proficisci Lanuvium illo ipso quo est profectus die: itaque antevertit. At quo die? Quo, ut ante dixi, fuit insanissima contio ab ipsius mercennario tribuno plebis concitata: quem diem ille, quam contionem, quos clamores, nisi ad cogitatum facinus approperaret, numquam reliquisset. Ergo illi ne causa quidem itineris, etiam causa manendi; Miloni manendi nulla facultas, exeundi non causa solum, sed etiam necessitas fuit. Quid? Si, ut ille scivit, Milonem fore eo die in via, sic Clodium Milo
46 ne suspicari quidem potuit? Primum quaero qui id scire potuerit? Quod vos idem in Clodio quaerere non potestis. Ut enim neminem alium nisi T.

But why do I argue thus? or why discuss the matter further? I appeal to you, Quintus Petilius, good and courageous citizen that you are; I call you to witness, Marcus Cato—you whom some heaven-sent fortune has accorded to me as judges. You have heard from the lips of Marcus Favonius that Clodius told him—you have heard it while Clodius yet lived—that Milo would be dead in three days. Three days after the words were uttered the affair took place. He did not hesitate to expose his thought; and can you hesitate about his act? 44

XVII. How was it, then, that he made no mistake 45
about the day? I have just told you; it was no trouble for him to ascertain the fixed sacrifices that the Dictator of Lanuvium had to perform. He saw that Milo must needs start for Lanuvium on the very day on which he did start; accordingly he anticipated him. But what was the day? That, as I mentioned before, on which occurred a frenzied public meeting, whose passions were inflamed by a tribune in Clodius's own pay—an occasion, a meeting, a riot, which he would never have abandoned, had he not been impatient to accomplish a premeditated crime. He therefore, so far from having any motive for going, had a motive for staying behind; Milo had no opportunity for staying, and had not merely a motive, but an imperative duty, to leave the city. What, furthermore, of the fact that while Clodius knew that Milo would be that day upon the road, Milo could not even have suspected that this would
be the case with Clodius? How, I ask in the first 46
place, could he have known it? This is a question that you cannot ask with regard to Clodius. Even supposing that he had asked no one else save his

Patinam, familiarissimum suum, rogasset, scire potuit illo ipso die Lanuvii a dictatore Milone prodi flaminem necesse esse; sed erant permulti alii, ex quibus id facillime scire posset. Omnes scilicet Lanuvini. Milo de Clodii reditu unde quaesivit? quaesierit sane—videte quid vobis largiar,—servum etiam, ut Q. Arrius, meus amicus, dixit, corruperit. Legite testimonia testium vestrorum: dixit C. Causinius Schola, Interamnas, familiarissimus et idem comes Clodii, cuius iam pridem testimonio Clodius eadem hora Interamnae fuerat et Romae, P. Clodium illo die in Albano mansurum fuisse, sed subito ei esse nuntiatum Cyrum architectum esse mortuum, itaque repente Romam constituisse proficisci. Dixit hoc comes item P. Clodii, C. Clodius.

47 XVIII. Videte, iudices, quantae res his testimoniis sint confectae. Primum certe liberatur Milo non eo consilio profectus esse, ut insidiaretur in via Clodio: quippe; si ille obvius ei futurus omnino non erat. Deinde—non enim video cur non meum quoque agam negotium—scitis, iudices, fuisse qui in hac rogatione suadenda dicerent Milonis manu caedem esse factam, consilio vero maioris alicuius: me videlicet latronem ac sicarium abiecti homines et perditi describebant.

[a] C. here addresses counsel for the prosecution.

intimate friend Titus Patina, he might have known that on that very day the induction of a flamen at Lanuvium was a duty that had to be performed by Milo, who was Dictator. But there were many others from whom he might very easily have ascertained the fact—any Lanuvian, for instance. But of whom could Milo have inquired concerning Clodius's return? Let us suppose that he did inquire—mark how generous I am to you [a]—let us suppose that he even bribed a slave, as my friend Quintus Arrius has suggested. Read the evidence of your own witnesses; Gaius Causinius Schola of Interamna, an intimate friend and companion of Clodius (whose evidence given some time ago, by the way, showed that Clodius was simultaneously at Interamna and at Rome), has asserted that on that day Clodius had intended to remain on his Alban estate, but on receiving unforeseen news of the death of Cyrus the architect, he suddenly decided to start for Rome. This was corroborated by Gaius Clodius, also a companion of Publius.

XVIII. Mark, gentlemen, what important results 47
are arrived at by the help of this evidence. In the first place Milo is clearly acquitted of having started with the deliberate intention of waylaying Clodius upon the road—obviously so, if the two were not likely to fall in with one another at all. In the second place—for I do not see why I should not do myself a good turn—you know, gentlemen, that there were some who, in urging the setting up of this court, ventured to assert that Milo's hand had done the deed, but that the mind that prompted it belonged to a greater. It was myself, let me tell you, to whom a set of abandoned ruffians gave the name of highwayman

Iacent suis testibus [hi] [1] qui Clodium negant eo die Romam, nisi de Cyro audisset, fuisse rediturum: respiravi, liberatus sum; non vereor ne, quod ne
48 suspicari quidem potuerim, videar id cogitasse. Nunc persequar cetera. Nam occurrit illud: "Igitur ne Clodius quidem de insidiis cogitavit, quoniam fuit in Albano mansurus." Si quidem exiturus ad caedem e villa non fuisset. Video enim illum, qui dicatur de Cyri morte nuntiasse, non id nuntiasse, sed Milonem appropinquare. Nam quid de Cyro nuntiaret, quem Clodius Roma proficiscens reliquerat morientem? Una fui, testamentum simul obsignavi cum Clodio; testamentum autem palam fecerat et illum heredem et me scripserat. Quem pridie hora tertia animam efflantem reliquisset, eum mortuum postridie hora decima denique ei nuntiabatur?

49 XIX. Age, sit ita factum: quae causa cur Romam properaret? Cur in noctem se coniceret? Ecquid adferebat festinationis, quod heres erat? Primum erat nihil cur properato opus esset; deinde si quid esset, quid tandem erat quod ea nocte consequi posset, amitteret autem, si postridie Romam mane venisset? Atque ut illi nocturnus ad urbem adventus vitandus potius quam expetendus fuit, sic Miloni, cum insidiator esset, si illum ad urbem nocte accessurum

[1] del. Garatoni.

and cut-throat. Their own evidence demolishes those who say that Clodius would not have returned to Rome had he not received the news about Cyrus. I breathe again; my good name is cleared; I no longer fear that I may seem to have based my plans on a circumstance which I could not even have suspected. Let me now pass on to the next point. We are met by 48 the objection, "Neither could Clodius have had any idea of a plot, since he intended to remain at his Alban estate." Yes, that would have been the case, if he had not intended to leave the house to commit the murder. For I am perfectly aware that the messenger, who is alleged to have reported the news of the death of Cyrus, reported not that, but the approach of Milo. For what news could he have brought about Cyrus, whom Clodius, on his departure from Rome, had left in a dying condition? I was with him at the time, and I was joint witness with Clodius of his will. The will had been openly drawn up, and Clodius and myself named as legatees. Clodius at the third hour on the previous day had left him breathing his last, and only at the tenth on the day following received news of his death!

XIX. Well, let us suppose that this was the case. 49
What motive had he for a hurried return to Rome? Why this dash into the night? Did the fact that he was an heir lend speed to his motion? In the first place, there was no conceivable need for haste; then if there were, what, pray, was he likely to gain by reaching Rome that night, or to lose, if he did not arrive till the morning following? Moreover, as Clodius had every reason to avoid rather than to court arrival in the city at night, so Milo, if he knew he would be approaching the city by night, ought, like

sciebat, subsidendum atque exspectandum fuit: noctu
50 occidisset; insidioso et pleno latronum in loco occi-
disset; nemo ei neganti non credidisset, quem esse
omnes salvum etiam confitentem volunt. Sustinuis-
set hoc crimen primum ipse ille latronum occultator
et receptor locus, cum neque muta solitudo indicasset
neque caeca nox ostendisset Milonem; deinde ibi
multi ab illo violati, spoliati, bonis expulsi, multi haec
etiam timentes in suspitionem caderent, tota denique
51 rea citaretur Etruria. Atque illo die certe Aricia
rediens devertit Clodius ad Albanum: quod ut sciret
Milo illum Ariciae fuisse, suspicari tamen debuit
eum, etiam si Romam illo die reverti vellet, ad villam
suam, quae viam tangeret, deversurum. Cur neque
ante occurrit, ne ille in villa resideret, nec eo in loco
subsedit, quo ille noctu venturus esset?

52 Video adhuc constare, iudices, omnia, Miloni etiam
utile fuisse Clodium vivere, illi ad ea, quae concupierat,
optatissimum interitum Milonis; odium fuisse illius
in hunc acerbissimum, nullum huius in illum; con-
suetudinem illius perpetuam in vi inferenda, huius
tantum in repellenda; mortem ab illo denuntiatam

the conspirator he was, to have skulked in waiting
for him. He might have slain Clodius by night in
some treacherous haunt of thieves. Not a man but 50
would have accepted his disclaimers, had he done
so. Even now, when he admits the deed, all desire
his acquittal. The spot itself, a den and harbour of
robbers, would have taken the charge upon it; the
dumb solitude of the place would have told no tales
of Milo, nor would the blind night have betrayed him.
In the next place, had the deed been done there,
many whom Clodius had outraged, plundered,
ejected from their property, and many more who
dreaded this fate, would to-day lie under suspicion;
indeed, the whole of Etruria would be arraigned.
Furthermore, it is certain that on the day in question 51
Clodius, on his return from Aricia, looked in at his
Alban house. Now even supposing that Milo knew
he had been at Aricia, he was nevertheless bound
to suspect that he would stop for refreshment at his
villa, which was close to the roadside, even if he
wished to return to Rome on that day. Why did
he not waylay him before, to prevent his staying at
his villa, not lie in wait for him in a place that his
intended victim would probably reach at night?

So far, gentlemen, I observe that all the evidence 52
points in a single direction—that to Milo it was
even advantageous that Clodius should continue to
live, while to Clodius, for the achievement of his
heart's desire, Milo's destruction was a consumma-
tion devoutly to be wished; that Clodius hated Milo
bitterly, while Milo hated Clodius not at all; that
the one had made a perpetual practice of offering
violence, the other only of repelling it; that Clodius
had openly threatened and foretold Milo's death,

Miloni et praedicatam palam, nihil umquam auditum ex Milone; profectionis huius diem illi notum, reditus illius huic ignotum fuisse; huius iter necessarium, illius etiam potius alienum; hunc prae se tulisse illo die Roma exiturum, illum eo die se dissimulasse rediturum; hunc nullius rei mutasse consilium, illum causam mutandi consilii finxisse; huic, si insidiaretur, noctem prope urbem exspectandam, illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

53 XX. Videamus nunc id, quod caput est, locus ad insidias ille ipse, ubi congressi sunt, utri tandem fuerit aptior. Id vero, iudices, etiam dubitandum et diutius cogitandum est? Ante fundum Clodii, quo in fundo propter insanas illas substructiones facile hominum mille versabantur valentium, edito adversarii atque excelso loco superiorem se fore putarat Milo, et ob eam rem eum locum ad pugnam potissimum elegerat? An in eo loco est potius exspectatus ab eo, qui ipsius loci spe facere impetum cogitarat? Res loquitur ipsa, iudices, quae
54 semper valet plurimum. Si haec non gesta audiretis, sed picta videretis, tamen appareret uter esset in-

[a] Grandiose buildings were common among rich Romans; see Hor. *Od.* iii. 1. 33. Clodius was building on the side of the Alban Hill. Apparently after building he cut into the slope and rested the house upon pillars.

that no such utterance was ever heard from Milo's lips; that Clodius had known the day of my client's departure, while that of Clodius's return was unknown to my client; that Milo's errand was one of duty, while that of Clodius, so far from being that, was relevant to nothing; that Milo had openly proclaimed that he would leave Rome on that day, while Clodius had concealed his intention of returning on that day; that Milo had not altered his intended purpose in a single particular, while Clodius had invented a reason for changing his; that Milo, had he been a plotter, would naturally have waited for the approach of night near the city, while Clodius, even had he had no fears of Milo, would still have had reason to fear an approach to the city by night.

XX. Let us now look to the crux of the whole 53
matter, and consider which party had the better position for an ambush in the spot where the meeting actually occurred. On this point, gentlemen, is there still room for doubt or further reflection? Was it in front of Clodius's manor—a manor in which, thanks to those gigantic basements,[a] a thousand able-bodied men were easily accommodated—that Milo had made up his mind that he would have his adversary, who was on high commanding ground, at a disadvantage, and had he therefore fixed upon that spot of all others for a fight? Was it not rather that my client's arrival was waited for by one who, just because he relied upon the ground, had planned to make his attack there? Facts, gentlemen, are always stubborn things, but in this particular case they are eloquent. If it were not a narrative of the 54
events to which you were listening, but a picture of them which you were viewing, it would still be self-

sidiator, uter nihil cogitaret mali, cum alter veheretur in raeda paenulatus, una sederet uxor. Quid horum non impeditissimum? Vestitus an vehiculum an comes? Quid minus promptum ad pugnam, cum paenula inretitus, raeda impeditus, uxore paene constrictus esset? Videte nunc illum, primum egredientem e villa, subito: cur? Vesperi: quid necesse est? Tarde: qui convenit, praesertim id temporis? Devertit in villam Pompeii: Pompeium ut videret? Sciebat in Alsiensi esse. Villam ut perspiceret? Miliens in ea fuerat. Quid ergo erat? Morae et tergiversationes: dum hic veniret, locum relinquere noluit.

55 XXI. Age nunc iter expediti latronis cum Milonis impedimentis comparate. Semper ille antea cum uxore, tum sine ea; numquam nisi in raeda, tum in equo; comites Graeculi, quocumque ibat, etiam cum in castra Etrusca properabat, tum nugarum in comitatu nihil: Milo, qui numquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges; ille, qui semper secum scorta, semper exoletos, semper lupas duceret, tum neminem, nisi ut virum a viro lectum esse diceres.

[a] A proverbial expression for a method of selecting volunteers; a small nucleus is first chosen, each member of which chooses one or more comrades, each of whom chooses another, and so on.

evident which was the plotter, and which was innocent of any evil design. You would see one riding in his coach, muffled in his cloak, his wife seated at his side. Any one of these—garment, vehicle, companion—embarrassing enough in all conscience. What situation could offer less facilities for fighting than to be entangled in a cloak, hampered by a coach, tied, so to speak, to a wife's apron-strings? Look now at Clodius, first sallying forth from his house, suddenly—why? In the evening—what need for that? In a leisurely fashion—where was the sense of that—at that hour of day too? "He called at Pompeius's country-seat." Was it to see Pompeius? He knew that Pompeius was at his place near Alsium. Was it to view the villa? He had been there a thousand times. What, then, was the meaning of it? Mere shilly-shally and time-wasting; he was loath to leave the spot until my client should arrive.

XXI. Next, please, compare the mode of travel- 55
ling of the nimble footpad with Milo's cumbersome paraphernalia. Hitherto Clodius had always travelled with his wife; now he is without her. Never save in a coach; now he is on horseback. Greek minions with him wherever he went, even when he hurried out to his Etrurian cantonments; now not a puppet in all his train. Milo, who never dealt in such trash, happened on this occasion to have with him some singing-boys of his wife, and a bevy of waiting-maids. Clodius, who normally travelled with courtesans, eunuchs, and strumpets, on this occasion travelled with no one, save persons of such a stamp that you would say that each man had picked his fellow.[a]

Cur igitur victus est? Quia non semper viator a latrone, non numquam etiam latro a viatore occiditur; quia, quamquam paratus in imparatos Clodius,
56 tamen mulier inciderat in viros. Nec vero sic erat umquam non paratus Milo contra illum, ut non satis fere esset paratus. Semper ille et quantum interesset P. Clodii se perire et quanto illi odio esset et quantum ille auderet cogitabat; quam ob rem vitam suam, quam maximis praemiis propositam et paene addictam sciebat, numquam in periculum sine praesidio et sine custodia proiciebat. Adde casus, adde incertos exitus pugnarum Martemque communem, qui saepe spoliantem iam et exsultantem evertit et perculit ab abiecto; adde inscitiam pransi, poti, oscitantis ducis, qui cum a tergo hostem interclusum reliquisset, nihil de eius extremis comitibus cogitavit, in quos incensos ira vitamque domini desperantis cum incidisset, haesit in eis poenis, quas ab eo servi fideles pro domini vita expetiverunt.

57 Cur igitur eos manu misit? Metuebat scilicet ne indicaretur, ne dolorem perferre non possent, ne tormentis cogerentur occisum esse a servis Milonis in Appia via P. Clodium confiteri. Quid opus est tortore? Quid quaeris? Occideritne? Occidit.

[a] A bitter reference to the Bona Dea incident, when Clodius had been caught a man among women.

[b] *Cf.* § 29, and also Asconius's narrative, p. 125.

[c] The suggestion of the prosecution was that M. had manumitted his slaves that they might not be tortured into admissions against him; free men could not be tortured.

Why, then, was he beaten? Because it is not invariably the traveller who is slain by the highwayman; sometimes it is even the highwayman who is slain by the traveller; and because, although Clodius had fallen prepared upon the unprepared, yet he was as a woman who had fallen among men.[a]
And, indeed, Milo was never so unprepared to meet 56
Clodius that he was not, as a rule, fairly ready for him. *He* never forgot how greatly Clodius stood to gain by his death, how deeply Clodius hated him, and how reckless was his mood; and, for this reason, knowing that a vast price had been set upon his life and that he scarce could call it his own, he never exposed it to danger without precaution and protection. Remember, too, what chance may bring; remember the uncertainty of the issues of battle and the impartiality of the war-god, who has often overthrown the victor with his hand upon the booty and the shout of triumph upon his lips, and struck him down by the hand of his prostrate foe; bear in mind the stupidity of a leader who was drowsy from his luncheon and his cups; who, having left his enemy cut off in the rear,[b] never thought of the retainers who marched last; and who, falling upon slaves who were mad with wrath and despairing of their master's life, was trapped in the vengeance which faithful slaves exacted in return for their master's life.

And why, then, did Milo emancipate them?[c] We 57
are told that he feared exposure, that they might be unable to endure the pain of torture, that they might be constrained upon the rack to confess that Publius Clodius was murdered on the Appian Way by Milo's slaves. Where is the need of the torturer? What fact do you wish to elicit? Whether he slew

Iure an iniuria? Nihil ad tortorem: facti enim in eculeo quaestio est, iuris in iudicio. XXII. Quod igitur in causa quaerendum est, indagamus hic; quod tormentis invenire vis, id fatemur. Manu vero cur miserit, si id potius quaeris, quam cur parum amplis adfecerit praemiis, nescis inimici factum reprehendere.
58 Dixit enim hic idem, qui omnia semper constanter et fortiter, M. Cato, et dixit in turbulenta contione, quae tamen huius auctoritate placata est, non libertate solum, sed etiam omnibus praemiis dignissimos fuisse, qui domini caput defendissent. Quod enim praemium satis magnum est tam benevolis, tam bonis, tam fidelibus servis, propter quos vivit? Etsi id quidem non tanti est, quam quod propter eosdem non sanguine et volneribus suis crudelissimi inimici mentem oculosque satiavit: quos nisi manu misisset, tormentis etiam dedendi fuerunt conservatores domini, ultores sceleris, defensores necis. Hic vero nihil habet in his malis quod minus moleste ferat, quam, etiam si quid ipsi accidat, esse tamen illis
59 meritum praemium persolutum.

Sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio Libertatis. Quibusnam de servis? Rogas? De P. Clodii. Quis eos postu-

[a] Clodius's slaves had given evidence damaging to Milo. C. argues that this evidence is invalidated by the circumstances of the inquiry.

the man? He did slay him. Whether he was justified or not? But that has nothing to do with the torturer; it is facts that are extorted upon the rack, questions of justification in the courts. XXII. What is proper matter for a trial we track down here; what you wish to elicit by torture we admit. In asking why he emancipated them, instead of asking why he bestowed upon them a reward so inadequate, you show what a poor hand you are at taking an opponent to task. Our friend Marcus Cato here, whose utter- 58
ances are invariably bold and resolute, said at an uproarious public meeting, which albeit was calmed by his impressive personality, that slaves who had defended the life of their master were in the highest degree deserving not merely of liberty but of the most generous rewards. For what reward can be adequate to slaves so devoted, so loyal, and so true, to whom their master owes his life?—although even this does not count for so much as that he owes to those same slaves that he has not glutted with his blood and his wounds the eyes and passions of a relentless foe; and should he have failed to emancipate these, he would have had to hand over to the torment the preservers of their master, the avengers of crime, and the averters of death. In all his calamities there is nothing which my client bears with such cheerfulness as the fact that, should anything happen to himself, these at least have had this well-merited reward paid to them.

But there *are* inquisitions[a] which are telling 59
against Milo—those, I mean, which have just been held in the court of the temple of Liberty. What slaves are their subjects? Do you ask? Those of Publius Clodius. Who has demanded their ex-

lavit? Appius. Quis produxit? Appius. Unde? Ab Appio. Di boni! Quid potest agi severius? De servis nulla lege quaestio est in dominum nisi de incestu, ut fuit in Clodium. Proxime deos accessit Clodius, propius quam tum, cum ad ipsos penetrarat, cuius de morte tamquam de caerimoniis violatis quaeritur. Sed tamen maiores nostri in dominum de servo quaeri noluerunt, non quin posset verum inveniri, sed quia videbatur indignum esse et domini morte ipsa tristius: in reum de servo accusatoris cum quaeritur, verum inveniri potest?

60 Age vero, quae erat aut qualis quaestio? "Heus tu, Rufio," verbi causa, "cave sis mentiaris: Clodius insidias fecit Miloni?" "Fecit." Certa crux. "Nullas fecit." Sperata libertas. Quid hac quaestione certius? Subito abrepti in quaestionem tamen separantur a ceteris et in arcas coniciuntur, ne quis cum eis conloqui possit: hi centum dies penes accusatorem cum fuissent, ab eo ipso accusatore producti sunt. Quid hac quaestione dici potest integrius, quid incorruptius?

61 XXIII. Quod si nondum satis cernitis, cum res ipsa tot tam claris argumentis signisque luceat, pura

[a] C. means that since slaves could testify against their masters only for sins against the gods (*incestus*), an examination of M.'s slaves would be treating Clodius as a god.

amination? Appius. Who has brought them forward? Appius. From whom were they procured? From Appius. Unexceptionable rigour this, in all conscience! There is no legal right of examining slaves against their masters save to discover sins against the gods—such examination as was held against Publius Clodius. Clodius has indeed approached very near to the gods,[a] nearer than when he forced a passage into their very presence, when his death is made the subject of as rigorous an inquiry as an act of sacrilege. Still, the intention of our ancestors was that a slave should never be examined against his master; not that it was impossible thus to discover truth, but because it was felt to be unnatural, and more deplorable even than the master's death. When, however, a prosecutor's slave is being examined to incriminate a defendant, what chance is there of getting at the truth?

Well now, what was the manner of examination, 60
and how did it proceed? "Look here, Rufio" (to take an imaginary name), "mind you don't tell lies! Did Clodius plot against Milo?" "He did." Result—crucifixion, for sure. "He did not." Result—a chance of liberty. What could be more infallible than this form of examination? They are haled off for torture without delay, and even then they are isolated and flung into separate cells, that none may hold communication with them. In this particular case, they had been in the custody of the prosecutor for a hundred days, and were then by the prosecutor himself produced. What could be more impartial or more unprejudiced than such a method of examination?

XXIII. But if you still fail to see, when the actual 61
facts are illuminated by proofs and evidences so lucid,

mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum Romam revertisse, recordamini, per deos immortalis! quae fuerit celeritas reditus eius, qui ingressus in forum ardente curia, quae magnitudo animi, qui voltus, quae oratio. Neque vero se populo solum, sed etiam senatui commisit, neque senatui modo, sed etiam publicis praesidiis et armis, neque his tantum, verum etiam eius potestati, cui senatus totam rem publicam, omnem Italiae pubem, cuncta populi Romani arma commiserat: cui numquam se hic profecto tradidisset, nisi causae suae confideret, praesertim omnia audienti, magna metuenti, multa suspicanti, non nulla credenti. Magna vis est conscientiae, iudices, et magna in utramque partem, ut neque timeant qui nihil commiserint et poenam semper ante oculos versari putent qui peccarint.

62 Neque vero sine ratione certa causa Milonis semper a senatu probata est; videbant enim sapientissimi homines facti rationem, praesentiam animi, defensionis constantiam. An vero obliti estis, iudices, recenti illo nuntio necis Clodianae non modo inimicorum Milonis sermones et opiniones, sed non
63 nullorum etiam imperitorum? Negabant eum Romam esse rediturum. Sive enim illud animo irato ac percito fecisset, ut incensus odio trucidaret

[a] See App. § 4.
[b] Pompey.

that Milo returned to Rome with mind stainless and untarnished, with no taint of crime, confounded by no guilty terrors, stunned by no sense of sin, recall, I pray you, how prompt was his return, how impressive his entry into the forum, when the Senate-house was in flames[a]; how superb was his magnanimity, his mien, and his tone! He entrusted himself not merely to the people, but also to the Senate; not merely to the Senate, but to the public guards and armies; and not merely to these, but to the discretion of the man[b] to whom the Senate had entrusted the whole commonwealth, the whole man-power of Italy, and all the arms of the Roman people; and you may be quite sure that my client would never have put himself at *his* disposal had he not had confidence in his own cause, especially seeing that the man in question was one who heard everything, apprehended great dangers, suspected much and believed not a little. Great is the power of conscience, gentlemen, great for bliss or for bane; it makes the innocent fearless, while it haunts the sinner with the ever-present vision of retribution.

Nor indeed is it without definite reason that Milo's 62
cause has ever been favourably viewed by the Senate; for, as highly intelligent men, they saw the reasonableness of his conduct, the imperturbability of his spirit, and the consistency of his defence. Or have you forgotten, gentlemen, when the news of Clodius's death had but just reached us, the remarks and surmises not only of Milo's enemies but even of several persons
who were imperfectly informed? They asserted that 63
he would never return to Rome. For supposing he had committed the deed in a mood of anger and excitement, so as to murder his enemy in a fit of hatred,

inimicum, arbitrabantur eum tanti mortem P. Clodii putasse, ut aequo animo patria careret, cum sanguine inimici explesset odium suum; sive etiam illius morte patriam liberare voluisset, non dubitaturum fortem virum quin, cum suo periculo salutem populo Romano attulisset, cederet aequo animo legibus, secum auferret gloriam sempiternam, nobis haec fruenda relinqueret, quae ipse servasset. Multi etiam Catilinam atque illa portenta loquebantur: "erumpet, occupabit aliquem locum, bellum patriae faciet." Miseros interdum civis optime de re publica meritos, in quibus homines non modo res praeclarissimas obliviscuntur, sed etiam nefarias suspicantur!
64 Ergo illa falsa fuerunt, quae certe vera exstitissent, si Milo admisisset aliquid, quod non posset honeste vereque defendere.

XXIV. Quid? Quae postea sunt in eum congesta quae quemvis etiam mediocrium delictorum conscientia perculissent, ut sustinuit, di immortales! Sustinuit? Immo vero ut contempsit ac pro nihilo putavit, quae neque maximo animo nocens neque innocens nisi fortissimus vir neglegere potuisset! Scutorum, gladiorum, pilorum frenorum etiam multitudo deprehendi posse indicabatur; nullum in urbe vicum, nullum angiportum esse dicebant in quo Miloni conducta non esset domus; arma in villam

they imagined that he had considered the death of Clodius an ample compensation for his own loss of country, after glutting his hate upon the life-blood of his foe; or supposing that by Clodius's death he had desired to set his country free, so brave a man, they thought, would not hesitate, after having at his own peril saved the state, to bow calmly to the laws, to take hence with him a glory that should never die, and to leave to us the enjoyment of those blessings that he himself had preserved. Many even prated of Catiline[a] and his monstrous crew. "He will break loose," they exclaimed, "he will seize some post of vantage, he will make war upon his country!" How wretched at times is the lot of the self-sacrificing patriot, when men not only forget his proudest services, but even suspect him of infamous designs! As 64
it turned out, these rumours were false; but they would certainly have proved true, had Milo been guilty of any act which he could not honourably and genuinely defend.

XXIV. Then, again, the calumnies that later were heaped upon him—calumnies which would have stunned any man whose conscience accused him of even trivial misdemeanours—how resolutely, ye gods, did he face those! Faced, do I say? Nay, despised them, and set them at naught, though none that had been guilty, however high his spirit, and none that had been innocent, unless he were a man of iron soul, could have disregarded them. It was hinted that vast stores of shields, swords, javelins even bridles might be seized; it was asserted that there was no quarter, no alley in the city, in which a house had not been hired for Milo's use; that arms

[a] *i.e.*, they alleged that he would prove a second Cataline.

Ocriculanam devecta Tiberi, domus in clivo Capitolino scutis referta, plena omnia malleolorum ad urbis incendia comparatorum : haec non delata solum, sed paene credita, nec ante repudiata sunt quam quaesita.

65 Laudabam equidem incredibilem diligentiam Cn. Pompeii, sed dicam, ut sentio, iudices : nimis multa audire coguntur neque aliter facere possunt ei, quibus tota commissa est res publica. Quin etiam fuit audiendus popa Licinius nescio qui de circo maximo, servos Milonis apud se ebrios factos sibi confessos esse de interficiendo Pompeio coniurasse, dein postea se gladio percussum esse ab uno de illis, ne indicaret : Pompeio in hortos nuntiavit ; arcessor in primis ; de amicorum sententia rem defert ad senatum. Non poteram in illius mei patriaeque custodis tanta suspitione non metu exanimari, sed mirabar tamen credi popae, confessionem servorum audiri, volnus in latere, quod acu punctum videretur,

66 pro ictu gladiatoris probari. Verum, ut intellego, cavebat magis Pompeius quam timebat, non ea solum, quae timenda erant, sed omnia, ne vos aliquid timeretis. Oppugnata domus C. Caesaris, clarissimi et fortissimi viri, per multas noctis horas nuntiabatur :

[a] *Popa* is one who slaughters his victims for a priest ; it has been suggested that *popae* often kept *popinae* (restaurants), though it is not certain that the two words are etymologically akin.

had been sent down the Tiber to his villa at Ocriculum, that his house upon the slope of the Capitol was stacked with shields, and that every place was piled with brands for setting the city on fire. These stories were not only whispered, but nearly gained credence; only investigation proved them groundless.

For my own part, I thought Pompeius's amazing 65
vigilance praiseworthy, but I will speak my mind, gentlemen ; those in whose hands lie vital public issues are compelled to hear too much, and indeed they cannot help doing so. He had even to listen to Licinius—some slaughterer-fellow [a] from the Circus Maximus—who said that some slaves of Milo had got drunk at his shop, and confessed that they had been in a plot to murder Pompeius ; and that later he had been stabbed by one of these, so that he might not reveal it. He sent intelligence to Pompeius in his mansion ; I was one of the first to be summoned ; on the advice of his friends he laid the matter before the Senate. Naturally, when so grave a suspicion had fallen upon Milo, who was the guardian of my country and myself, I could not but be paralysed with fear ; but at the same time I was amazed that belief should be accorded to the slaughterer, that the slave's confession should be listened to, and that the wound in Licinius' side, which was obviously a pin's prick, should pass for the stab of a gladiator.
But, as I understand, Pompeius was cautious rather 66
than fearful, not only with regard to what might be reasonable grounds for fear, but with regard to everything, in order that *you* might have nothing to fear. It was reported that the house of the valiant and renowned Gaius Caesar had been in a state of siege for many hours of the night; frequented

nemo audierat tam celebri loco, nemo senserat; tamen audiebatur. Non poteram Cn. Pompeium, praestantissima virtute virum, timidum suspicari; diligentiam tota re publica suscepta nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator inventus est qui Milonem cum telo esse diceret: nudavit se in sanctissimo templo, quoniam vita talis et civis et viri fidem non faciebat, ut eo tacente res ipsa loqueretur.

67 XXV. Omnia falsa atque insidiose ficta comperta sunt. Cum tamen si metuitur etiam nunc Milo, non iam hoc Clodianum crimen timemus, sed tuas, Cn. Pompei—te enim iam appello et ea voce, ut me exaudire possis—tuas, tuas, inquam, suspiciones perhorrescimus; si Milonem times, si hunc de tua vita nefarie aut nunc cogitare aut molitum aliquando aliquid putas, si Italiae dilectus, ut non nulli conquisitores tui dictitarunt, si haec arma, si Capitolinae cohortes, si excubiae, si vigiliae, si dilecta iuventus, quae tuum corpus domumque custodit, contra Milonis impetum armata est, atque illa omnia in hunc unum instituta, parata, intenta sunt, magna in hoc certe vis et incredibilis animus et non unius viri vires atque opes iudicantur, si quidem in hunc unum

though the spot is, no one had heard or been aware of anything amiss; yet the story continued to gain a hearing. It was impossible for me to suspect of cowardice a man of Gnaeus Pompeius's surpassing courage; but I did not think that in a man who bore the whole burden of the state any vigilance could be excessive. At a crowded meeting of the Senate held recently upon the Capitol a senator ventured to assert that Milo was wearing a dagger; and my client bared his person in that sacred temple, so that since the life of so great a man and citizen afforded no guarantee of his innocence, the fact itself, without a word from him, might speak in his behalf.

XXV. It has been established that these are 67
nothing but groundless and treacherous fables; and yet, if Milo is still an object of dread, it is no longer the charge with reference to Clodius's death which frightens us—no, it is you, Pompeius,—I address you personally, in tones that may clearly catch your ear,—you, I say, and your suspicions it is that make us quake with dread. If you fear Milo, if you believe that my client is now meditating or has ever framed infamous designs upon your life, if the levies of Italy—as some of your recruiting-officers have asserted—if these arms, if the cohorts of the Capitol, if watches and sentries, if the picked stalwarts who guard your person and your house, have been armed to withstand the assaults of Milo, and if all this was devised, purposed, directed against my client alone—then surely there are attributed to him an energy and an astounding courage, a strength and a resource, that are beyond any single man, if indeed the most eminent of generals has been selected and the whole commonwealth armed to

et praestantissimus dux electus et tota res publica
68 armata est. Sed quis non intellegit omnis tibi rei publicae partis aegras et labantis, ut eas his armis sanares et confirmares, esse commissas? Quod si locus Miloni datus esset, probasset profecto tibi ipsi, neminem umquam hominem homini cariorem fuisse quam te sibi; nullum se umquam periculum pro tua dignitate fugisse, cum ipsa illa taeterrima peste se saepissime pro tua gloria contendisse; tribunatum suum ad salutem meam, quae tibi carissima fuisset, consiliis tuis gubernatum; se a te postea defensum in periculo capitis, adiutum in petitione praeturae; duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. Quae si non probaret, si tibi ita penitus inhaesisset ista suspicio, nullo ut evelli modo posset, si denique Italia a dilectu, urbs ab armis sine Milonis clade numquam esset conquietura, ne ille haud dubitans cessisset patria, is qui ita natus est et ita consuevit; te, Magne, tamen ante testaretur, quod nunc etiam facit :—

69 XXVI. Vide quam sit varia vitae commutabilisque ratio, quam vaga volubilisque fortuna, quantae infidelitates in amicis, quam ad tempus aptae simu-

cope with him and him alone. But who does not
understand that everything everywhere in the state 68
that is ailing or enfeebled has been put in your charge so that you might by these weapons bring it relief and support? As for Milo, had he been granted the opportunity, he would assuredly have proved to your own satisfaction that never had man been dearer to fellow-man than you to himself, that never had he shunned any danger that might be involved by the vindication of your pre-eminence, that again and again he had entered the lists in defence of your credit against that foul plague-spot; that his tribunate had, under your advice, been directed to that restoration of myself which you had held so dear; that later he had himself been defended by you when his civil privileges were in danger, and had by you been assisted in his candidature for the praetorship; that he had hoped ever to possess two most sure friends—you, because of your good offices to him, me, because of his own to me. Should he appear to fail in making good this claim; should your suspicions prove to be so deeply engrained in your mind as to be ineradicable; should Italy never bid fair to have repose from levies or the city from arms save through Milo's downfall,—then assuredly would he without hesitation have obeyed the dictates of his nature and his training and departed from his fatherland; and yet it is to you, whom we name Great, that he would first appeal, even as he does now :—

XXVI. "Mark," he would exclaim, "how full of 69
change and diversity is life's course, how wayward and wanton is fortune, what faithlessness is rife among friends, what time-serving hypocrisies, what deser-

lationes, quantae in periculis fugae proximorum, quantae timiditates: erit, erit illud profecto tempus et inlucescet aliquando ille dies, cum tu salutaribus, ut spero, rebus tuis, sed fortasse motu aliquo communium temporum, qui quam crebro accidat experti scire debemus, et amicissimi benevolentiam et gravissimi hominis fidem et unius post homines natos fortissimi viri magnitudinem animi desideres.

70 Quamquam quis hoc credat, Cn. Pompeium, iuris publici, moris maiorum, rei denique publicae peritissimum, cum senatus ei commiserit ut videret ne quid res publica detrimenti caperet, quo uno versiculo satis armati semper consules fuerunt etiam nullis armis datis, hunc exercitu, hunc dilectu dato, iudicium exspectaturum fuisse in eius consiliis vindicandis, qui vi iudicia ipsa tolleret? Satis iudicatum est a Pompeio, satis, falso ista conferri in Milonem, qui legem tulit qua, ut ego sentio, Milonem absolvi a
71 vobis oporteret, ut omnes confitentur, liceret. Quod vero in illo loco atque illis publicorum praesidiorum copiis circumfusus sedet, satis declarat se non terrorem inferre vobis—quid enim minus illo dignum quam cogere, ut vos eum condemnetis, in quem animadvertere ipse et more maiorum et suo iure posset?—sed praesidio esse, ut intellegatis contra

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[a] The *senatus consultum ultimum*, which gave the consuls power to resort to force in emergencies.

[b] See App. § 10.

tions and faint-heartedness between loved ones in the hour of danger! Surely, surely a time will come, and a morning shall one day dawn, when you, not, as I hope, by reason of any diminution of your own estate, but peradventure by reason of some upheaval in public affairs (and experience should have taught us how often such occur), shall sigh in vain for the affection of a faithful friend and the loyalty of a true heart and the magnanimity of one whose valour has no equal in human history!"

And yet who is likely to believe that Gnaeus 70
Pompeius, a past-master in constitutional law, historical precedent, and political usage, when the Senate had charged him to "see that the Commonwealth take no harm"[a]—the little phrase that has ever given the consuls all the arms they need, though no weapons have been put into their hands,—that such a man, I say, when an army and a power of levy had been given to him, was likely to have waited for the issue of a trial at law to execute vengeance on the designs of one who by violence aimed at abolishing law? What clearer intimation do we need from Pompeius that these slanders against Milo are false than his proposal of a law which, as I think, makes it your duty to acquit Milo, and which, as all admit,
gives you leave to do so? And surely the fact that 71
he sits in yonder place, hedged about by the protection of an official bodyguard, is sufficient proof that he is not intimidating you,—for how could he demean himself more than by compelling you to condemn one whom he himself was empowered both by precedent and by prerogative to punish?—but that these are purely protective measures, enabling you to realize that, despite yesterday's mass meeting,[b]

hesternam illam contionem licere vobis quod sentiatis libere iudicare.

72 XXVII. Nec vero me, iudices, Clodianum crimen movet, nec tam sum demens tamque vestri sensus ignarus atque expers, ut nesciam quid de morte Clodii sentiatis; de qua, si iam nollem ita diluere crimen, ut dilui, tamen impune Miloni palam clamare ac mentiri gloriose liceret: "Occidi, occidi, non Sp. Maelium, qui annona levanda iacturisque rei familiaris, quia nimis amplecti plebem videbatur, in suspitionem incidit regni appetendi, non Ti. Gracchum, qui conlegae magistratum per seditionem abrogavit, quorum interfectores impleverunt orbem terrarum nominis sui gloria, sed eum—auderet enim dicere, cum patriam periculo suo liberasset,—cuius nefandum adulterium in pulvinaribus sanctissimis
73 nobilissimae feminae comprehenderunt; eum, cuius supplicio senatus sollemnis religiones expiandas saepe censuit; eum, quem cum sorore germana nefarium stuprum fecisse L. Lucullus iuratus se quaestionibus habitis dixit comperisse; eum, qui civem, quem senatus, quem populus Romanus, quem omnes gentes urbis ac vitae civium conservatorem iudicarant, servorum armis exterminavit; eum, qui regna dedit, ademit, orbem terrarum quibuscum voluit partitus est; eum, qui plurimis caedibus in

[a] "Is it likely that having received such full power to check *disorder*, P. would have waited to exert it until the trial of Milo, who was said to be using *vis* to destroy all trials whatever?" Poynton.

[b] M. Octavius.

[c] Clodius, while tribune, had passed a law making Brogitarus king of Galatia, had deposed Ptolemy king of

it is open to you to return an untrammelled verdict in accordance with your opinions.[a]

XXVII. Nor, gentlemen, am I disturbed by the 72
charge in connexion with Clodius; I am not so stupid, so blindly insensitive, to your feelings, as to be ignorant of your attitude with regard to Clodius's death. If I had to-day no disposition to refute this charge, as I have refuted it, Milo might still be permitted to avow it openly, and to glory in the lie. "Yes," he might cry, "it is I, I who have slain not a Spurius Maelius, who, by lowering the price of corn and sacrificing his wealth, fell under suspicion of aiming at tyranny, because he seemed to court the populace over much; not a Tiberius Gracchus, who unconstitutionally deposed a colleague[b] from his office, and whose slayers filled the whole world with the glory of their name; but a man" (for he would dare to say this when at his own risk he had freed his country) "whose monstrous adultery upon the holy couches had been detected by high-born ladies; a man whose punishment the Senate repeatedly 73
declared to be necessary to cleanse the state from pollution; a man who, as Lucius Lucullus stated on oath that he had ascertained after an investigation, had committed foul incest with his own sister; a man who by the weapons of slaves had expatriated a citizen whom the Senate, the people of Rome, and all nations had declared to be the preserver of the city and the life of the citizens; a man who had bestowed and taken away thrones,[c] and allotted the world to whomsoever he wished; a man who, after working many a deed of carnage in the forum, had

Cyprus, and had assigned the provinces of Macedonia and Asia to Piso and Gabinius, coss. 58.

foro factis singulari virtute et gloria civem domum vi
et armis compulit; eum, cui nihil umquam nefas fuit
nec in facinore nec in libidine; eum, qui aedem Nym-
pharum incendit, ut memoriam publicam recensionis
tabulis publicis impressam exstingueret; eum
74 denique, cui iam nulla lex erat, nullum civile ius,
nulli possessionum termini, qui non calumnia litium,
non iniustis vindiciis ac sacramentis alienos fundos,
sed castris, exercitu, signis inferendis petebat; qui
non solum Etruscos—eos enim penitus contempserat,
—sed hunc P. Varium, fortissimum atque optimum
civem, iudicem nostrum, pellere possessionibus armis
castrisque conatus est, qui cum architectis et de-
cempedis villas multorum hortosque peragrabat, qui
Ianiculo et Alpibus spem possessionum terminarat
suarum, qui cum ab equite Romano splendido et
forti, M. Paconio, non impetrasset, ut sibi insulam
in lacu Prilio venderet, repente lintribus in eam
insulam materiem, calcem, caementa, harenam con-
vexit dominoque trans ripam inspectante non dubitavit
75 exstruere aedificium in alieno; qui huic T. Furfanio,
cui viro! di immortales!—quid enim ego de mulier-
cula Scantia, quid de adulescente P. Apinio dicam?
quorum utrique mortem est minitatus, nisi sibi
hortorum possessione cessissent;—sed ausum esse
Furfanio dicere, si sibi pecuniam, quantam popos-
cerat, non dedisset, mortuum se in domum eius
inlaturum, qua invidia huic esset tali viro confla-
grandum; qui Appium fratrem, hominem mihi

[a] Mommsen has edited an inscription which seems to show that this was in the Campus Martius. Clodius probably wished to destroy evidence of election frauds.

by armed violence driven within his own doors a
citizen of peerless valour and renown; a man who
considered no evil deed, no impure desire, as sinful; a
man who set fire to the temple of the Nymphs,[a] that
he might erase the national records of the censor's
registration that were printed in the national rolls;
a man, in fine, who had ceased to regard statute, 74
law, or landmark; who laid claim to the estates of
others not by the chicanery of litigation, not by
illegal titles and securities, but by camps, armies,
and standards advanced; who attempted by armed
troops to drive from their lands not merely the
Etruscans—them he had come utterly to despise—
but that excellent and gallant citizen Publius Varius,
who sits upon our bench; who ranged with archi-
tects and measuring-rods among the villas and
gardens of many; who had fixed the Janiculum
and the Alps as the bounds of his prospective
possessions; who, having failed to persuade the
brave and distinguished Roman knight Marcus
Paconius to sell him an island in Lake Prilius,
suddenly conveyed in boats to that island timber,
lime, stone and sand, and who, while the owner
gazed from across the water at the scene, did not
hesitate to erect a dwelling upon another's site;
who told Titus Furfanius (a true man, if you will!)— 75
I say nothing here of that poor lady Scantia or of
young Publius Apinius; he threatened both of these
with death if they did not vacate their mansions in
his favour—yes, he had the face to tell Furfanius
that if he did not give him the amount, whatever it
was, that he asked for, he would introduce a corpse
into his house, a scandal by which so respected a
man must have been undone; who in his absence

coniunctum fidissima gratia, absentem de possessione fundi deiecit; qui parietem sic per vestibulum sororis instituit ducere, sic agere fundamenta, ut sororem non modo vestibulo privaret, sed omni aditu et limine."

76 XXVIII. Quamquam haec quidem iam tolerabilia videbantur, etsi aequabiliter in rem publicam, in privatos, in longinquos, in propinquos, in alienos, in suos inruebat, sed nescio quo modo iam usu obduruerat et percalluerat civitatis incredibilis patientia: quae vero aderant iam et impendebant, quonam modo ea aut depellere potuissetis aut ferre? Imperium ille si nactus esset, omitto socios, exteras nationes, reges, tetrarchas; vota enim faceretis, ut in eos se potius immitteret quam in vestras possessiones, vestra tecta, vestras pecunias: pecunias dico? a liberis, me dius fidius, et a coniugibus vestris numquam ille effrenatas suas libidines cohibuisset. Fingi haec putatis, quae patent, quae nota sunt omnibus, quae tenentur? Servorum exercitus illum in urbe conscripturum fuisse, per quos totam rem
77 publicam resque privatas omnium possideret? Quam ob rem si cruentum gladium tenens clamaret T. Annius: "Adeste, quaeso, atque audite, cives: P. Clodium interfeci, eius furores, quos nullis iam legibus, nullis iudiciis frenare poteramus, hoc ferro et hac dextera a cervicibus vestris reppuli, per me ut

forcibly debarred from the possession of his manor Appius his brother, a man linked to myself by loyal affection; and who was bent on carrying a wall and laying a foundation through his sister's fore-court in such a way as not only to prohibit his sister from the fore-court, but from all approach and entry."

XXVIII. Still, such acts as these came to be 76
looked on as endurable, in spite of the impartiality of his assaults upon the state, upon individuals, upon those at hand and those at a distance, those who were his kith and kin and those who were not; but, I know not how, through use and wont the amazing forbearance of the community had become case-hardened and callous. But as to what was imminent and impending, how could you have averted or endured that? Had he obtained a military power—I say nothing of the allies, foreign nations, kings, tetrarchs; for you would have been praying for him to launch himself upon *them* rather than upon your lands, your dwellings, your wealth: wealth, do I say? never, I swear it, would he have restrained his unbridled lusts from your children and your wives. Think you that these are mere fancies? They are plain, universally known, established facts. Do you think it fancy that he meant to have levied in the city armies of slaves, to enable him to make himself master of the whole state and the private possessions of all? Wherefore, if Titus 77
Annius were to raise aloft his bloody sword, and cry, "Stand by me, fellow-citizens, and hearken! I have slain Publius Clodius! With this blade and this right hand have I warded from your necks the frenzy of one whom we could no longer restrain by any laws or courts, so that it might be through me alone

unum ius aequitas, leges libertas, pudor pudicitia in civitate maneret," esset vero timendum, quonam modo id ferret civitas! Nunc enim quis est qui non probet, qui non laudet, qui non unum post hominum memoriam T. Annium plurimum rei publicae profuisse, maxima laetitia populum Romanum, cunctam Italiam, nationes omnis adfecisse et dicat et sentiat? Non queo vetera illa populi Romani gaudia quanta fuerint iudicare: multas tamen iam summorum imperatorum clarissimas victorias aetas nostra vidit, quarum nulla neque tam diuturnam attulit laetitiam
78 nec tantam. Mandate hoc memoriae, iudices: spero multa vos liberosque vestros in re publica bona esse visuros: in eis singulis ita semper existimabitis, vivo P. Clodio nihil eorum vos visuros fuisse. In spem maximam et, quem ad modum confido, verissimam sumus adducti, hunc ipsum annum, hoc ipso summo viro consule, compressa hominum licentia, cupiditatibus fractis, legibus et iudiciis constitutis, salutarem civitati fore. Num quis est igitur tam demens qui hoc P. Clodio vivo contingere potuisse arbitretur? Quid? Ea, quae tenetis privata atque vestra, dominante homine furioso quod ius perpetuae possessionis habere potuissent?

XXIX. Non timeo, iudices, ne odio inimicitiarum mearum inflammatus libentius haec in illum evomere videar quam verius. Etenim si praecipuum esse debebat, tamen ita communis erat omnium ille hostis,

[a] Ironical.

that justice, equity, law, liberty, honour, and decency might yet dwell amongst us!"—he would, I suppose, have cause for apprehension [a] how his fellow-citizens might take it! For, as things are, who is there who withholds his approbation, nay, his praise, and who does not declare, and at the same time believe, that Titus Annius stands unrivalled as the greatest public benefactor in history, who has shed joy unparalleled upon the Roman people, all Italy, and all nations? I am not in a position to appraise the historic hours of triumph of the Roman people; howbeit our age has witnessed not a few brilliant victories won by great generals; but none of these inspired a joy that
was so lasting or so great. Bear this well in mind, 78
gentlemen. I trust that you and your children will live to see many blessings under a free government; but as you take each several blessing, reflect that had Publius Clodius lived *you* would have lived to see none of them. We venture to entertain high and, as I confidently trust, well-grounded hopes that this very year, under our present great consul, when the licence of men has been checked, passions broken, and law and justice firmly based, will be fraught with happiness to the community. Is there anyone so insane as to dream that this happiness could have fallen to us with Publius Clodius still living? Nay, more. The private property that you each individually possess—what right of lasting tenure could it have conferred under the sway of a lunatic?

XXIX. I have no fear, gentlemen, lest I should be thought, in the heat of personal animosity, to give vent to this attack upon Clodius with greater relish than respect for truth. For indeed, extreme as my hatred could not fail to be, so far was he the general

ut in communi odio paene aequaliter versaretur odium meum. Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exitii
79 fuerit. Quin sic attendite, iudices: nempe haec est quaestio de interitu P. Clodii. Fingite animis—liberae sunt enim nostrae cogitationes et quae volunt sic intuentur, ut ea cernimus, quae videmus,—fingite igitur cogitatione imaginem huius condicionis meae, si possim efficere ut Milonem absolvatis, sed ita, si P. Clodius revixerit. Quid voltu extimuistis? Quonam modo ille vos vivus adficeret, quos mortuus inani cogitatione percussit? Quid? Si ipse Cn. Pompeius, qui ea virtute ac fortuna est, ut ea potuerit semper, quae nemo praeter illum, si is, inquam, potuisset aut quaestionem de morte P. Clodii ferre aut ipsum ab inferis excitare, utrum putatis potius facturum fuisse? Etiam si propter amicitiam vellet illum ab inferis evocare, propter rem publicam non fecisset. Eius igitur mortis sedetis ultores, cuius vitam si putetis per vos restitui posse, nolitis, et de eius nece lata quaestio est, qui si lege eadem reviviscere posset, lata lex numquam esset. Huius ergo interfector si esset, in confitendo ab eisne poenam timeret, quos liberavisset?

80 Graeci homines deorum honores tribuunt eis viris,

enemy of all, that it scarce rose above the common average of hatred. It is impossible to express in words or even to form a conception of all the guilt, all the capacity for destruction, that were in him.
Nay, look at it in this way: this inquiry deals, as you 79
know, with the death of Publius Clodius. Picture to your minds—for thought is free and can conjure up what it desires, just as we discern actual objects with our eyes—picture, I say, in imagination this alternative I offer you: suppose I could induce you to acquit Milo, but only on condition that Publius Clodius shall have come to life again. Why those terrified glances? What feelings would he inspire in you if he lived, seeing that when he lives no more he has appalled you with a baseless fancy? Again, if Gnaeus Pompeius himself, whose character and fortune is such that he has ever been able to achieve what none else could achieve—if he, I say, had had the choice between proposing an inquiry into Clodius's death and calling him back from the dead, which, think you, would he have chosen? Even had he been desirous for friendship's sake of summoning him from the dead, for the commonwealth's sake he would have refrained from doing so. You sit here, then, to avenge the death of one to whom you would refuse to restore life, even did you think you had the power; and a law has been proposed for an inquiry into his slaying, though, could he by the same law have been brought back to life, that law would never have been proposed. If then my client was the slayer of such a man as this, could he, in admitting the deed, fear punishment at the hands of the very persons whom he had delivered?

The Greeks accord divine honours to those men 80

qui tyrannos necaverunt: quae ego vidi Athenis! Quae aliis in urbibus Graeciae! Quas res divinas talibus institutas viris! Quos cantus, quae carmina! Prope ad immortalitatis et religionem et memoriam consecrantur: vos tanti conservatorem populi, tanti sceleris ultorem non modo honoribus nullis adficietis, sed etiam ad supplicium rapi patiemini? Confiteretur, confiteretur, inquam, si fecisset, et magno animo et libenter, fecisse se libertatis omnium causa, quod esset ei non confitendum modo, verum etiam praedicandum.

81 XXX. Etenim si id non negat, ex quo nihil petit nisi ut ignoscatur, dubitaret id fateri, ex quo etiam praemia laudis essent petenda? Nisi vero gratius putat esse vobis sui se capitis quam vestri defensorem fuisse, cum praesertim in ea confessione, si grati esse velletis, honores adsequeretur amplissimos. Si factum vobis non probaretur—quamquam qui poterat salus sua cuiquam non probari?—sed tamen si minus fortissimi viri virtus civibus grata cecidisset, magno animo constantique cederet ex ingrata civitate; nam quid esset ingratius quam laetari ceteros, lugere eum solum, propter quem ceteri laetarentur?

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who have slain despots. What sights have I seen at Athens and in other cities of Greece![a] What religious rites ordained in their honour! What magnificent musical compositions and odes! Their worship reaches almost to the observance and commemoration proper to immortal beings. And will you, so far from bestowing any distinctions upon the preserver of a great nation and the avenger of a great crime, even suffer him to be haled hence to a felon's death? Had he done the deed, he would confess—ay, confess proudly and gladly—that he had done for the sake of the general liberty a deed that he might well not confess merely, but cry from the house-tops.

XXX. And indeed if he does not deny an act[b] from which he seeks for nothing save pardon for having done it, would he hesitate to confess a deed for which he might well expect praise as a reward? Unless we are to suppose that he thinks it more gratifying to you that he should have been the defender of his own life than of yours, and that too though, in making the confession, he would attain, if you chose to be duly grateful, to the highest of honours. If his deed should fail to win your approval—though how can any man not approve of what has been his salvation?—still, if the valour of a courageous gentleman should fail of the grateful recognition of his countrymen, then he would pass, proudly and unflinchingly, from his thankless country. For what greater depth of ingratitude could there be than that the community at large should rejoice, while he to whom the community owes its rejoicing should mourn alone? 81

And yet this has ever been the feeling of all of us, when there were traitors against our country to be 82

futura esset gloria, periculum quoque et invidiam nostram putaremus; nam quae mihi ipsi tribuenda laus esset, cum tantum in consulatu meo pro vobis ac liberis vestris ausus essem, si id quod conabar sine maximis dimicationibus meis me esse ausurum arbitrarer? Quae mulier sceleratum ac perniciosum civem interficere non auderet, si periculum non timeret? Proposita invidia, morte, poena qui nihilo segnius rem publicam defendit, is vir vere putandus est; populi grati est praemiis adficere bene meritos de re publica civis, viri fortis ne suppliciis
83 quidem moveri ut fortiter fecisse paeniteat. Quam ob rem uteretur eadem confessione T. Annius, qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmet ipsi, et, si grata res publica esset, laetaretur; si ingrata, tamen in gravi fortuna conscientia sua niteretur.

Sed huius beneficii gratiam, iudices, fortuna populi Romani et vestra felicitas et di immortales sibi deberi putant; nec vero quisquam aliter arbitrari potest, nisi qui nullam vim esse ducit numenve divinum, quem neque imperii nostri magnitudo neque sol ille nec caeli signorumque motus nec vicissitudines rerum atque ordines movent neque, id quod maximum est, maiorum sapientia, qui sacra, qui caerimonias, qui auspicia et ipsi sanctissime coluerunt et nobis, suis posteris, prodiderunt.
84 XXXI. Est, est profecto illa vis, neque in his cor-

crushed, that, since ours was to be the glory, ours also should be the peril and the shame. For what praise should I myself have earned a right to expect, for having dared so much in my consulship for yourselves and your children, had I thought that the venture would not involve a terrible struggle to myself? What woman even would not venture to slay a wicked and mischievous citizen, were there no danger for her to fear? He who, with shame, death, and penalties staring him in the face, yet hangs not back from the defence of the commonwealth, he surely is the true hero. It is for a grateful nation to heap rewards upon public benefactors; it is for the brave man to be moved not even by a felon's death to regret his noble deed. Wherefore Titus Annius 83
would resort to the same confession as was resorted to by Ahala, by Nasica, by Opimius, by Marius, and by myself, and, if the state showed due gratitude, joy would be his; but if ingratitude, still in his hard fate he would find support in the secret knowledge of his own heart.

But for this blessing, gentlemen, the fortune of the Roman people, your own happy star, and the immortal gods claim your gratitude. Nor indeed can any man think otherwise, unless there be any who thinks that there is no such thing as divine power and control, who is not stirred by the greatness of our empire or by yonder sun or the march of the constellated heaven or by nature's round of ordered change or (last and greatest) by the wisdom of our ancestors, who themselves paid strict observance to worship and rites and auspices, and have handed them on to us their descendants.
XXXI. Assuredly such a power does exist; nor can 84

poribus atque in hac imbecillitate nostra inest quiddam quod vigeat et sentiat, et non inest in hoc tanto naturae tam praeclaro motu; nisi forte idcirco non putant, quia non apparet nec cernitur, proinde quasi nostram ipsam mentem, qua sapimus, qua providemus, qua haec ipsa agimus ac dicimus, videre aut plane qualis aut ubi sit sentire possimus. Ea vis igitur ipsa, quae saepe incredibilis huic urbi felicitates atque opes attulit, illam perniciem exstinxit ac sustulit, cui primum mentem iniecit, ut vi inritare ferroque lacessere fortissimum virum auderet vincereturque ab eo, quem si vicisset, habiturus esset impunitatem et licentiam sempiternam.

85 Non est humano consilio, ne mediocri quidem, iudices, deorum immortalium cura res illa perfecta: religiones me hercule ipsae, quae illam beluam cadere viderunt, commosse se videntur et ius in illo suum retinuisse. Vos enim iam, Albani tumuli atque luci, vos, inquam, imploro atque obtestor, vosque, Albanorum obrutae arae, sacrorum populi Romani sociae et aequales, quas ille praeceps amentia caesis prostratisque sanctissimis lucis substructionum insanis molibus oppresserat; vestrae tum arae, vestrae religiones viguerunt, vestra vis valuit, quam ille omni scelere polluerat; tuque ex tuo edito monte,

[a] The Alban Mount was hallowed as having been the religious centre of the Latin Confederacy.

it be that while in the frail fabric of our bodies there is a Something which energizes and which feels, yet that Something does not exist in the vast and glorious workings of nature; unless perchance they think otherwise just because it does not offer itself to the view or to the sight; as though, in our own case, we could see that very mind to which we owe sense and foresight and the action and the speech of every moment, or could be cognisant of its nature and its seat. Wherefore it is this very power, which has often shed upon this city wealth and blessing beyond all thought, that now has uprooted and abolished this scourge, having first roused such a mood in him that he dared to provoke with violence and challenge with the sword the bravest of men, and so was vanquished by one over whom, had he won the victory, he stood fair to enjoy impunity and licence for all time.

It was by no device of man, nay, not even by any 85
ordinary providence of the immortal gods, gentlemen, that the great result was achieved. Surely the very Sanctities[a] which witnessed the monster's fall must have bestirred themselves and asserted their rights in his ruin. For to ye now, hills and groves of Alba, to ye, I say, I appeal and pray; and to ye, ruined altars of the folk of Alba, partners and coevals with the religion of the Roman people—altars which that headstrong desperado, after hewing down and levelling the most hallowed groves, had buried beneath the insensate fabric of his underground buildings. It was your altars and your sanctities that put forth on that day their strength; yours was the might, polluted by him by every stain, that prevailed. And it was thou from thy

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XXXII. Nec vero non eadem ira deorum hanc eius satellitibus iniecit amentiam, ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, sine funere, oblitus cruore et luto, spoliatus illius supremi diei celebritate, cui cedere inimici etiam solent, ambureretur abiectus. Non fuisse credo fas clarissimorum virorum formas illi taeterrimo parricidae aliquid decoris adferre, neque ullo in loco potius mortem eius lacerari quam in quo vita esset damnata.

87 Dura, me dius fidius, mihi iam Fortuna populi Romani et crudelis videbatur, quae tot annos illum in hanc rem publicam insultare pateretur: polluerat stupro sanctissimas religiones, senatus gravissima decreta perfregerat, pecunia se a iudicibus palam

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lofty hill, Jupiter Latiaris,[a] whose lakes, woods, and enclosures he had often defiled with all manner of foul impurity and crime, who didst at last open thine eyes to punish him. It was to ye, to ye all, and beneath your gaze, that the retribution, long-delayed but just and due, was paid—unless we are to suppose 86
that this too was due to chance, that it was before the very chapel of the Good Goddess, that stands on the estate of the worthy and accomplished young man Titus Sertius Gallus, before, I say, the Good Goddess herself, that he entered the fray and fell beneath that first wound that ushered him to a revolting death, proving that, by that scandalous court, he had been not acquitted, but reserved for this exemplary doom.

XXXII. And assuredly it was the selfsame anger of the gods that inspired his minions with such a spirit of madness that, without portraits[b] or music or games, without procession, mourners, panegyric, or any funeral rites, besmeared with blood and clay, robbed of the solemnity that should attend that closing scene, and before which even foes are wont to make way, he was tossed into the street and charred in the flame! Heaven, I think, did not suffer that the faces of famous men should lend a dignity to that foul murderer, or that in death he should be mangled in any spot save that wherein in life he had been condemned.

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redemerat, vexarat in tribunatu senatum, omnium ordinum consensu pro salute rei publicae gesta resciderat, me patria expulerat, bona diripuerat, domum incenderat, liberos, coniugem meam vexarat, Cn. Pompeio nefarium bellum indixerat, magistratuum privatorumque caedis effecerat, domum mei fratris incenderat, vastarat Etruriam, multos sedibus ac fortunis eiecerat; instabat, urgebat; capere eius amentiam civitas, Italia, provinciae, regna non poterant; incidebantur iam domi leges, quae nos servis nostris addicerent; nihil erat cuiusquam, quod quidem ille adamasset, quod non hoc anno suum fore
88 putaret: obstabat eius cogitationibus nemo praeter Milonem; illum ipsum, qui obstare poterat, novo reditu in gratiam quasi devinctum arbitrabatur; Caesaris potentiam suam esse dicebat; bonorum animos in meo casu contempserat: Milo unus urgebat.

XXXIII. Hic di immortales, ut supra dixi, mentem illi perdito ac furioso dederunt, ut huic faceret insidias: aliter perire pestis illa non potuit; numquam illum res publica suo iure esset ulta. Senatus, credo, praetorem eum circumscripsisset: ne cum solebat

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Exaggeration; see § 25.
[b] Ironical.

himself off from the juries that were to try him; he had harassed the Senate in his tribunate; he had cancelled measures that had been taken for the security of the commonwealth, and which were endorsed by the consent of all the orders; me he had banished from my country, plundered my property, burned my house, persecuted my children and my wife; against Gnaeus Pompeius he had declared an unholy war. He had wrought the massacre of magistrates and private citizens; he had burned the house of my brother; he had laid waste Etruria; he had evicted many from their dwellings and their possessions. He was pressing hot-foot upon his purpose. The State, Italy, the provinces, the subject-kingdoms could not contain his mad ambitions. Even then, laws were being engraved at his house which were to make us over to our own slaves.[a] There was no property of anyone which, when once he had set his fancy upon it, he did not think would be his own within the year.
His schemes were barred by none save Milo. The 88
great man who had the power to bar them was, as he thought, bound as it were hand and foot by a recent reconciliation; he asserted that Caesar's influence was at his own disposal; in working my downfall he had set at naught the feelings of patriots; Milo alone dogged his steps.

XXXIII. Then it was that the immortal gods, as I remarked a while ago, instilled into his reckless and desperate brain the thought of laying a plot against my client. Not otherwise could that plague have perished; never by the exercise of its own powers would the state have taken public vengeance on him. The Senate,[b] I suppose, would have kept him in bounds when praetor! Not even when it was accus-

quidem id facere, in privato eodem hoc aliquid
89 profecerat. An consules in praetore coërcendo fortes fuissent? Primum Milone occiso habuisset suos consules; deinde quis in eo praetore consul fortis esset, per quem tribunum virtutem consularem crudelissime vexatam esse meminisset? Oppressisset omnia, possideret, teneret; lege nova quae est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset; postremo, nisi eum di immortales in eam mentem impulissent, ut homo effeminatus fortissimum virum conaretur occidere, hodie rem publicam nullam haberetis.

90 An ille praetor, ille vero consul, si modo haec templa atque ipsa moenia stare eo vivo tam diu et consulatum eius exspectare potuissent, ille denique vivus mali nihil fecisset, qui mortuus uno ex suis satellitibus Sex. Clodio duce curiam incenderit? Quo quid miserius, quid acerbius, quid luctuosius vidimus? Templum sanctitatis, amplitudinis, mentis, consilii publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo concessam uni ordini, inflammari, exscindi, funestari, neque id fieri a multitudine imperita, quamquam esset miserum id ipsum, sed ab uno? Qui cum tantum ausus sit

[a] Hypsaeus and Scipio.
[b] Clodius may have projected some scheme of extensive manumission; though we need not infer that C.'s statement rests on anything more solid than popular rumour.
[c] For the facts behind this amazing reasoning see App. § 4.

tomed so to act had it effected anything even when he was a private citizen. Or would the consuls have 89
been resolute to check him as praetor? But in the first place, had Milo been slain, he would have had consuls[a] who were his own creatures; and secondly, what consul could have dealt resolutely with the praetor, remembering that it was he who, as tribune, had cruelly persecuted consular merit? He would have set the world beneath his heel, and to-day he would be in possession and enjoyment of it. By an amazing law which was discovered at his house along with the rest of the Clodian programme, he would have made our slaves his own freedmen[b]; and finally, had the immortal gods not launched him upon the impulse of attempting, effeminate creature that he was, to slay a very gallant gentleman, your free constitution would be to-day a thing of the past.

Had he been praetor, ay, and consul too, if these 90
temples and these very walls could have stood so long, while he lived, and could have awaited the coming of his consulship—nay, had he been alive at all, is it to be thought that he would have done no mischief, seeing that after death, under the leadership of one poor minion of his, Sextus Clodius, he burned the Senate-house?[c] What have we witnessed more pitiable, more heart-breaking, more ghastly than this? The shrine of holiness, of majesty, of intellect, of public policy, the head of the city, the sanctuary of our allies, the haven of all races, the dwelling-place accorded to a single order by the whole people—burned, razed, desecrated! and so treated not by an ignorant mob (though even that would have been pitiable enough) but by a single man! If a mere body-burner dared so much for a dead man's sake, what would he not

ustor pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum abiecit, ut eam mortuus incenderet, quam vivus everterat.

91 Et sunt qui de via Appia querantur, taceant de curia! Et qui ab eo spirante forum putent potuisse defendi, cuius non restiterit cadaveri curia! Excitate, excitate ipsum, si potestis, a mortuis: frangetis impetum vivi, cuius vix sustinetis furias insepulti? Nisi vero sustinuistis eos, qui cum facibus ad curiam cucurrerunt, cum falcibus ad Castoris, cum gladiis toto foro volitarunt. Caedi vidistis populum Romanum, contionem gladiis disturbari, cum audiretur silentio M. Caelius, tribunus plebis, vir et in re publica fortissimus et in suscepta causa firmissimus et bonorum voluntati et auctoritati senatus deditus et in hac Milonis sive invidia sive fortuna singulari divina et incredibili fide.

92 XXXIV. Sed iam satis multa de causa, extra causam etiam nimis fortasse multa. Quid restat nisi ut orem obtesterque vos, iudices, ut eam misericordiam tribuatis fortissimo viro, quam ipse non implorat, ego etiam repugnante hoc et imploro et exposco? Nolite, si in nostro omnium fletu nullam lacrimam aspexistis Milonis, si voltum semper eundem,

have dared as standard-bearer for the sake of the living man? He chose to toss the body into the Senate-house of all places, in order that he might burn in death what in life he had overthrown!

And there are those who whine about "the Appian Way," yet hold their peace about the Senate-house! And who think that the forum could have been defended while he yet breathed, whose mere carcass the Senate-house could not oppose! Rouse him, rouse the man as we knew him, if you can, from the dead! scarce can you grapple with the demon of his unburied remains, and will you break the onset of the living will? Unless, indeed, you bore the onset of those who ran with torches to the Senate-house, and with picks to the temple of Castor, and who swaggered with swords throughout the length and breadth of the forum! You have seen the Roman people massacred, a public meeting broken up at the sword's point, though a silent hearing was being given to Marcus Caelius, tribune of the plebs, a most resolute statesman, a staunch upholder of any cause that he embraced, a devoted champion of patriotic aims and senatorial authority, and, in Milo's present peculiarly odious position — or, if you will, in his peculiarly happy one — a man of superhuman and amazing loyalty. 91

XXXIV. But I have now said enough about the case itself; about what lies outside it perhaps too much. What is left, save that I should beg and implore you, gentlemen, to extend to this brave man that mercy which he himself does not beg, but which I, in spite of his protests, both beg and demand. Do not, if amid the tears of us all you have beheld not a single tear of Milo's, if you see him with un- 92

si vocem, si orationem stabilem ac non mutatam videtis, hoc minus ei parcere: haud scio an multo sit etiam adiuvandus magis: etenim si in gladiatoriis pugnis et infimi generis hominum condicione atque fortuna timidos atque supplices et ut vivere liceat obsecrantis etiam odisse solemus, fortis atque animosos et se acriter ipsos morti offerentis servare cupimus, eorumque nos magis miseret, qui nostram misericordiam non requirunt, quam qui illam efflagitant, quanto hoc magis in fortissimis civibus facere debemus?

93 Me quidem, iudices, exanimant et interimunt hae voces Milonis, quas audio adsidue et quibus intersum cotidie: "Valeant," inquit, "valeant cives mei; sint incolumes, sint florentes, sint beati; stet haec urbs praeclara mihique patria carissima, quoquo modo erit merita de me; tranquilla re publica mei cives, quoniam mihi cum illis non licet, sine me ipsi, sed propter me tamen perfruantur; ego cedam atque abibo: si mihi bona re publica frui non licuerit, at carebo mala, et quam primum tetigero bene moratam et liberam civitatem, in ea conquiescam.

94 O frustra" inquit "mihi suscepti labores! O spes fallaces et cogitationes inanes meae! Ego cum tribunus plebis re publica oppressa me senatui dedissem, quem exstinctum acceperam, equitibus Romanis, quorum vires erant debiles, bonis viris, qui omnem

changing countenance and with accents and tones steady and unfaltering—do not for this reason turn away your pity. Nay, I am not sure that he does not need your succour far the more. For if in gladiatorial combats, where the fate of the lowest class of mankind is concerned, it is natural in us even to dislike the quaking suppliant who craves permission to live, while we are anxious to save the courageous and spirited who hotly fling themselves on death, and pity more those who look not for our pity than those who importune us for it, how much the rather should we do this when it is for gallant citizens we do it?

For myself, gentlemen, all life and spirit is taken 93
out of me by those words of Milo which ring ever in my ears and amid which I daily move: "Farewell!" he cries, "farewell, my fellow-citizens! Security—success—prosperity be theirs! Long may this city, my beloved fatherland, remain glorious, however ill she may have treated me! May my countrymen rest in full and peaceful enjoyment of their constitution, an enjoyment from which, since I may not share it, I shall stand aloof, but which none the less is owed to myself! I shall pass and go hence. If it shall not be mine to live under good government, at least I shall be saved from bad, and in the first well-ordered and free community where I shall set foot, there I shall find repose. Alas! that I must see my labours wasted, 94
my hopes disappointed, my dreams unrealized! When the constitution lay in the dust, and I, as tribune of the plebs, had put myself at the disposal of the Senate, whom I had found annihilated, of the Roman knights, whose power was weakened, of all

auctoritatem Clodianis armis abiecerant, mihi umquam bonorum praesidium defuturum putarem? Ego cum te"—mecum enim saepissime loquitur—"patriae reddidissem, mihi putarem in patria non futurum locum? Ubi nunc senatus est, quem secuti sumus? Ubi equites Romani illi, illi" inquit "tui? Ubi studia municipiorum? Ubi Italiae voces? Ubi denique tua illa, M. Tulli, quae plurimis fuit auxilio, vox atque defensio? Mihine ea soli, qui pro te totiens morti me obtuli, nihil potest opitulari?"

95 XXXV. Nec vero haec, iudices, ut ego nunc, flens, sed hoc eodem loquitur voltu quo videtis. Negat enim, negat ingratis civibus fecisse se quae fecerit, timidis et omnia circumspicientibus pericula non negat. Plebem et infimam multitudinem, quae P. Clodio duce fortunis vestris imminebat, eam, quo tutior esset vestra vita, se fecisse commemorat ut non modo virtute flecteret, sed etiam tribus suis patrimoniis deleniret, nec timet ne, cum plebem muneribus placarit, vos non conciliarit meritis in rem publicam singularibus. Senatus erga se benevolentiam temporibus his ipsis saepe esse perspectam, vestras vero et vestrorum ordinum occursationes,

true men, who had abrogated all their influence in consequence of the arms of Clodius, could I have dreamed that I should ever lack the support of patriots? When I had given *you* back to your country"—such is his constant strain—"could I have dreamed that there would ever in that country be no room for *me*? Where now is the Senate, whose adherents we have been? Where," he asks, "are your Roman knights? Yes, where are *they*? Where is the eager support of the free towns? Where is the voice of Italy? Where in fine, Marcus Tullius, where is *your* eloquent advocacy, that has brought aid to so many? Is it to me alone, that have so often bared my breast to death for your sake, that it can lend no aid?"

XXXV. But it is not with tears in his eyes, as I 95 speak now, that he says this, gentlemen, but with the same countenance that you see him wear at this moment. For he ardently denies that what he did was done for citizens without gratitude; but he does not deny that it was done for citizens who were in deep anxiety and quaking in the midst of perils. As for the plebeians and the base mob which, under the leadership of Publius Clodius, was menacing your welfare, he reminds us that for your safety he did his best not only to control them by his high qualities, but also to use his three patrimonies as a means of mollifying them; he has no misgiving lest, having appeased the plebeians with his shows, his extraordinary services to the state should have failed to win *your* favour. The goodwill of the Senate towards himself he says that he has often proved even in these recent dark days, while, whatever be the career that fate allots to him, the friendly greetings of yourselves and the orders you

studia, sermones, quemcumque cursum fortuna
96 dederit, se secum ablaturum esse dicit. Meminit etiam sibi vocem praeconis modo defuisse, quam minime desiderarit, populi vero cunctis suffragiis, quod unum cupierit, se consulem declaratum; nunc denique, si haec contra se sint futura, sibi facinoris suspitionem, non facti crimen obstare. Addit haec, quae certe vera sunt, fortis et sapientis viros non tam praemia sequi solere recte factorum quam ipsa recte facta; se nihil in vita nisi praeclarissime fecisse, si quidem nihil sit praestabilius viro quam periculis patriam liberare; beatos esse, quibus ea
97 res honori fuerit a suis civibus, nec tamen eos miseros, qui beneficio civis suos vicerint; sed tamen ex omnibus praemiis virtutis, si esset habenda ratio praemiorum, amplissimum esse praemium gloriam; esse hanc unam, quae brevitatem vitae posteritatis memoria consolaretur, quae efficeret ut absentes adessemus, mortui viveremus; hanc denique esse cuius gradibus etiam in caelum homines viderentur
98 ascendere. "De me" inquit "semper populus Romanus, semper omnes gentes loquentur, nulla umquam obmutescet vetustas: quin hoc tempore ipso, cum omnes a meis inimicis faces invidiae meae subiciantur, tamen omni in hominum coetu gratiis agendis et gratulationibus habendis et omni sermone celebramur." Omitto Etruriae festos et actos et

[a] *i.e.*, of the result of the voting; the announcement had not been made, as the poll had not been completed.

represent, your favour, and your kind words shall go hence with him. He remembers too that the 96
herald's announcement [a] was all that was lacking to him, and of that he had no need at all; but that by the general vote of the people (and this was all he desired) he had been declared consul; he remembers, too, that now at last, even if the present proceedings are to be turned against himself, it is a suspicion of intrigue, and not a charge of crime that thwarts him. Furthermore he says, what is undoubtedly true, that it is the fashion of the brave and the wise to pursue not the rewards of noble action so much as noble action itself; that every phase of his career has been crowned with glory, if at least a man can perform no prouder task than the deliverance of his country from danger; that those are to be envied for whom such conduct has gained honour at the hands of their fellow-citizens,
and yet that those are not to be pitied who have 97
outdone their fellow-citizens in public service; but notwithstanding, among all the rewards of virtue, if rewards *must* be taken into account, the noblest is glory; this alone is enough to compensate for life's brevity by the remembrance of future ages, to make us present in absence and alive in death; that, in fine, it is glory upon whose ladder men seem even to
scale heaven. "Of me," he says, "shall the people 98
of Rome and all nations ever speak, of me shall no far-off age ever cease to make mention. Nay, at this very time, though all my foes are laying their torches to the pyre of my infamy, still, wherever men are gathered together my name resounds in thanksgiving and congratulation in all converse." I say nothing of the festivals, whether held or appointed to

institutos dies; centesima lux est haec ab interitu P. Clodii et, opinor, altera: qua fines imperii populi Romani sunt, ea non solum fama iam de illo, sed etiam laetitia peragravit. Quam ob rem "ubi corpus hoc sit non" inquit "laboro, quoniam omnibus in terris et iam versatur et semper habitabit nominis mei gloria."

99 XXXVI. Haec tu mecum saepe his absentibus, sed isdem audientibus haec ego tecum, Milo: "Te quidem, cum isto animo es, satis laudare non possum, sed, quo est ista magis divina virtus, eo maiore a te dolore divellor; nec vero, si mihi eriperis, reliqua est illa tamen ad consolandum querella, ut eis irasci possim, a quibus tantum volnus accepero: non enim inimici mei te mihi eripient, sed amicissimi, non male aliquando de me meriti, sed semper optime." Nullum umquam, iudices, mihi tantum dolorem inuretis—etsi quis potest esse tantus?—sed ne hunc quidem ipsum, ut obliviscar quanti me semper feceritis: quae si vos cepit oblivio aut si in me aliquid offendistis, cur non id meo capite potius luitur quam Milonis? Praeclare enim vixero, si quid mihi acciderit prius
100 quam hoc tantum mali videro. Nunc me una consolatio sustentat, quod tibi, T. Anni, nullum a me amoris, nullum studii, nullum pietatis officium defuit: ego inimicitias potentium pro te appetivi; ego meum saepe corpus et vitam obieci armis inimicorum

be held, in Etruria. It is now a hundred and two days, I believe, since Clodius perished. Wherever the bounds of the Roman Empire extend, not merely the tale, but the triumph of Milo's deed has penetrated. Wherefore he says, "I care not greatly where my body is, since in all lands the glory of my name lives and will ever find a home."

XXXVI. Such have been your words to me out 99
of the hearing of these gentlemen; but these, in their hearing, are mine to you: "Yourself, indeed, I cannot praise enough for this your mood; but the more surpassing your qualities, the keener the grief I feel at our separation. Nor indeed, if you are torn from my side, have I the last solace of complaint left to me—the power of resentment against those who will have dealt me so sore a wound; for it is not my foes who will tear you from me, but my dearest friends—not those whom I have sometimes harmed, but those whom I have at all times helped." There is no pang, gentlemen, whereby you will ever so deeply sear my heart—though what pang can be so great as this?—no, not even this present pang, as to make me forget the estimation in which you have ever held me. And if such forgetfulness has come upon *you*, or if you are affronted at aught that I have done, why is this not visited upon *my* head rather than upon Milo's? Life will have been a proud thing for me if any fate shall come upon me before I see so dire a blow. Now there is 100
but one solace that supports me—the thought that to you, Titus Annius, there is no service of love, zeal, or duty that I have failed to render. It was I who on your behalf courted the enmity of the great; it was I who often exposed my person and my life to the

tuorum ; ego me plurimis pro te supplicem abieci ; bona, fortunas meas ac liberorum meorum in communionem tuorum temporum contuli ; hoc denique ipso die, si quae vis est parata, si quae dimicatio capitis futura, deposco. Quid iam restat ? Quid habeo quod faciam pro tuis in me meritis nisi ut eam fortunam, quaecumque erit tua, ducam meam ? Non recuso, non abnuo, vosque obsecro, iudices, ut vestra beneficia, quae in me contulistis, aut in huius salute augeatis aut in eiusdem exitio occasura esse videatis.

101 XXXVII. His lacrimis non movetur Milo—est quodam incredibili robore animi :—exsilium ibi esse putat, ubi virtuti non sit locus ; mortem naturae finem esse, non poenam. Sed hic ea mente, qua natus est : quid vos, iudices ? Quo tandem animo eritis ? Memoriam Milonis retinebitis, ipsum eicietis ? Et erit dignior locus in terris ullus qui hanc virtutem excipiat quam hic, qui procreavit ? Vos, vos appello, fortissimi viri, qui multum pro re publica sanguinem effudistis ; vos in viri et in civis invicti appello periculo, centuriones, vosque, milites : vobis non modo inspectantibus, sed etiam armatis et huic iudicio praesidentibus haec tanta virtus ex hac urbe ex-
102 pelletur, exterminabitur, proicietur ? O me miserum, o me infelicem ! Revocare tu me in patriam, Milo, potuisti per hos, ego te in patria per eosdem retinere non potero ? Quid respondebo liberis meis, qui te

weapons of your foes ; it was I who cringed a suppliant at many feet for you. I have staked my goods, my fortunes, and those of my children, to share alike in all that may betide you ; in fine, upon this very day, if any violence awaits you, any life and death struggle, I claim it for myself. What yet remains ? What return can I make to you for your services to me, save that whatsoever fortune befalls you I should count it as my own ? I shrink not, I am content ; and I implore you, gentlemen, either to crown the kindnesses you have bestowed upon me by acquitting my client, or to see that, if you deal him ruin, they will fall to nothing.

XXXVII. These tears cannot melt Milo ; he has 101
a strength of mind beyond all belief. There is no exile, he thinks, save where virtue has no home ; death is our allotted end and not a penalty. Herein he shows the spirit that is natural to him ; but you, gentlemen—in what spirit will *you* deal with him ? Will you retain Milo's memory and cast forth his person ? Is there any spot on earth than can more fitly welcome this noble heart than that which bade it beat ? To you, to you I make my suit, gallant gentlemen, who have shed your blood in torrents for the common weal ; to you I appeal in the peril of an unconquered man and citizen, centurions and soldiers ; shall his great soul, not merely under your gaze but despite those arms that you bear and the protection you afford to this court, be banished, expelled, cast
forth from this city ? O the pity, O the misery of it ! 102
You, Milo, were able with the aid of these gentlemen to call me back to my country ; and shall I, in spite of their aid, be unable to retain *you* in that country ? What answer shall I make to my children, who count

parentem alterum putant? Quid tibi, Quinte frater, qui nunc abes, consorti mecum temporum illorum? Mene non potuisse Milonis salutem tueri per eosdem, per quos nostram ille servasset? At in qua causa non potuisse? Quae est grata gentibus omnibus.[1] A quibus non potuisse? Ab eis, qui maxime
103 P. Clodii morte acquierunt. Quo deprecante? Me. Quodnam ego concepi tantum scelus aut quod in me tantum facinus admisi, iudices, cum illa indicia communis exitii indagavi, patefeci, protuli, exstinxi? Omnes in me meosque redundant ex fonte illo dolores. Quid me reducem esse voluistis? An ut inspectante me expellerentur ei, per quos essem restitutus? Nolite, obsecro vos, acerbiorem mihi pati reditum esse, quam fuerit ille ipse discessus: nam qui possum putare me restitutum esse, si distrahar ab his, per quos restitutus sum?

XXXVIII. Utinam di immortales fecissent—pace tua, patria, dixerim: metuo enim ne scelerate dicam in te quod pro Milone dicam pie—utinam P. Clodius non modo viveret, sed etiam praetor, consul, dictator
104 esset potius quam hoc spectaculum viderem! O di immortales! Fortem et a vobis, iudices, conservandum virum! "Minime, minime"; inquit "immo vero poenas ille debitas luerit: nos subeamus, si ita necesse est, non debitas." Hicine vir patriae natus

[1] *MSS.* grata gentibus non potuisse: *Garatoni supplies* omnibus.

you as a second father? What to you, Quintus my brother, who now are far away, but who shared with me my hours of bitterness? Shall I say that I was unable to protect Milo's welfare by the aid of the same men who had enabled *him* to protect my own[a]? Unable in what a cause? A cause that all nations approved. Unable to protect him from whom? From those who found the most relief by the death of Publius Clodius. And who was the intercessor? 103
Myself. Why, what wicked thought did I entertain, what enormity did I commit, gentlemen, when I tracked down, laid bare, dragged into the light of day, and stamped out the symptoms of a universal calamity? That is the head and fount of all the sorrows that have overwhelmed my friends and myself. Why did you desire my restoration? Was it that I might stand by and watch the banishment of those by whom I was restored? Do not, I implore you, suffer my return to be made yet bitterer than my departure; for how can I count myself restored, if I am to be torn from those to whom my restoration was due?

XXXVIII. Would that the immortal gods had brought it about—forgive the wish, O my country! —for I fear lest expressions that are dutiful to Milo's cause may be treasonable to thee—would that Publius Clodius not merely lived, but were praetor, consul, ay, dictator, rather than that I should live to see that sight! O ye immortal gods, a brave man 104
indeed, and one whose life, gentlemen, you may well preserve! "Nay, nay!" he cries, "'tis well that *he* has paid a penalty that he deserves; let me, if fate so ordains, submit to one that I deserve not!" Shall this man, born for his country, die anywhere

[a] *i.e.*, the jury, who also by their votes as citizens had secured C.'s recall.

usquam nisi in patria morietur, aut, si forte, pro patria? Huius vos animi monumenta retinebitis, corporis in Italia nullum sepulcrum esse patiemini? Hunc sua quisquam sententia ex hac urbe expellet, quem omnes urbes expulsum a vobis ad se vocabunt?
105 O terram illam beatam, quae hunc virum exceperit, hanc ingratam, si eiecerit, miseram, si amiserit!

Sed finis sit; neque enim prae lacrimis iam loqui possum, et hic se lacrimis defendi vetat. Vos oro obtestorque, iudices, ut in sententiis ferendis, quod sentietis, id audeatis. Vestram virtutem, iustitiam, fidem, mihi credite, is maxime probabit, qui in iudicibus legendis optimum et sapientissimum et fortissimum quemque elegit.

save in that country, or, it may be, in that country's cause? Will you retain the memorials of his heroism, and will you suffer no sepulchre for his body in all Italy? Shall any man by his free vote banish from this city one whom, when banished by you, all cities
will welcome to themselves? O happy land, that 105
shall give a haven to this hero! Ungrateful this, if it shall cast him forth! Unhappy, if it shall lose him!

But no more. Indeed I can no longer speak for tears, and my client forbids that tears should plead his cause. I implore and beseech you, gentlemen, have the courage of your convictions in recording your votes. Your courage, justice, and honour will, believe me, meet with high approval from him who, in his choice of the jury, has fixed upon the best, the wisest, and the most brave.

APPENDIX TO THE SPEECH ON BEHALF OF TITUS ANNIUS MILO

From the Commentary of Quintus Asconius Pedianus.[a]

1 This speech was delivered on April 8 in the third consulship of Gnaeus Pompeius. When the trial was proceeding, troops were posted in the forum and in all the temples adjoining, a fact which we learn not only from this speech and from historians, but also from the work which Cicero entitles *On the Masters of Oratory*.

T. Annius Milo, P. Plautius Hypsaeus, and Q. Metellus Scipio supported their candidature for the consulship not only by lavish and unashamed bribery but also by gangs of armed retainers. Between Milo and Clodius there was a bitter feud; Milo was Cicero's close friend and had devoted strenuous political efforts to his restoration, while P. Clodius cherished deadly hatred against Cicero after his return, and for this reason ardently supported Hypsaeus and Scipio against Milo. At Rome Milo and Clodius at the head of their gangs had often come to blows; both were equally determined, though Milo in the better cause. Moreover Milo was standing for the consulship, and Clodius for the praetorship, of the same year, and Clodius fully realized that, with Milo as consul, his praetorship would be maimed.

[a] A. was a Roman scholar of the 1st century A.D., who explained for his children's benefit difficulties in C.'s speeches. We possess fragments of commentaries on *In Pisonem*, *Pro Scauro*, *Pro Cornelio*, *In Toga Candida*, and *Pro Milone*. Besides histories, he consulted the *acta diurna* and *acta senatus*.

Then, when the consular elections had been long drawn 2
out and could not be consummated by reason of these same desperate struggles between the candidates, and for this cause in the month of January there were as yet neither consuls nor praetors, and the election-day was continually postponed by the same means as before; when Milo desired that the elections should be at once carried out, and was like to succeed in this, not only through the support of good patriots because he was opposing Clodius, but also by his generous largesse and great expenditure upon stage-plays and gladiatorial shows (on which Cicero tells us he had squandered three patrimonies[a]), while his rivals desired to postpone them, and for this reason Pompeius, Scipio's son-in-law, and Munatius, the tribune of the plebs, would not permit a motion to be brought before the Senate for the convoking of the patricians to nominate an Interrex as was customary; on January 18 (for I think the official records and the speech itself, which agrees thereto, should rather be followed than Fenestella, who says January 19) Milo set out for Lanuvium, from which town he came and where he was dictator, for the purpose of nominating a Flamen on the following day. He was met about the ninth hour a little beyond Bovillae by Clodius, who was returning from Aricia, and near a spot where is a shrine of the Good Goddess; for he had been addressing the citizens of Aricia. Clodius was riding on horseback. He was attended, as was the custom of travellers at that time, by about thirty lightly-equipped slaves armed with swords. There were besides with Clodius three friends of his, one a Roman knight, C. Causinius Schola, and two plebeian "new men," P. Pomponius and C. Clodius. Milo was riding in a carriage with his wife Fausta, a daughter of L. Sulla the dictator, and his friend M. Fufius. They were attended by a great array of slaves, among whom were also gladiators, two of them well known, Eudamus and Birria. These 3
were going slowly at the rear of the column, and began a

[a] § 95.

brawl with Clodius's slaves. Clodius looked back threateningly at the disturbance, and Birria transfixed him with a javelin. A pitched battle began, and several others of Milo's party ran up. The wounded Clodius was carried into a tavern near Bovillae. As soon as Milo learned that Clodius was wounded, realizing that it would be more dangerous for himself should he survive, but that should he be slain it would be a great relief, even if a penalty should have to be faced, he ordered that he should be turned out of the tavern. The leader of his slaves was M. Fustenus. So the skulking Clodius was dragged forth and finished off with many wounds. Since Clodius's slaves had either been slain or, grievously wounded, were in hiding, his corpse was left in the road, until Sex. Tedius, a senator, who chanced to be returning from the country to the city, lifted it up and ordered that it should be taken in his litter to Rome; he himself returned to the place whence he had started. The body of Clodius reached the city before the first hour of the night, where it was placed in the fore-court of his house amid deep mourning, and surrounded by a great crowd of the lowest orders and of slaves. Anger at the deed was increased by Clodius's wife Fulvia, who displayed his wounds with uncontrolled lamenting. On the morrow's dawn an even greater crowd of the same nature gathered, and many well-known men were injured, among them C. Vibienus, a senator. Clodius's house stood on the Palatine, and had been bought from M. Scaurus a short while before. Thither hastened T. Munatius Plancus, brother to L. Plancus the orator, and Q. Pompeius Rufus, son of the daughter of Sulla the dictator, tribunes of the plebs, and at their suggestion the ignorant mob carried off the nude and sandalled corpse to the forum, upon the bier as it was, so that its wounds
4 might be seen, and laid it on the rostra. Here in a mass meeting Plancus and Pompeius, who were supporting Milo's rivals, stirred up ill-feeling against Milo. The populace, with Sex. Clodius the scribe at their head, carried Clodius's body into the Senate-house, and set it on fire by means of the benches and tribunals and tables and

volumes from the booksellers' shops; the flames set on fire the Senate-house itself, and the Basilica Porcia adjoining was damaged. The houses also of M. Lepidus the Interrex (he had been appointed curule magistrate) and of the absent Milo were attacked by these same gangs of Clodius, who were later repulsed by volleys of arrows. They then took the fasces from the Couch of Libitina,[a] and bore them to the house of Scipio and Hypsaeus, and thence to the gardens of Cn. Pompeius, hailing him now as consul, and now as dictator.

The burning of the Senate-house had stirred the indignation of the citizens considerably more deeply than the murder of Clodius. So Milo, who it was thought had gone into voluntary exile, reassured by the ill opinion into which his enemies had fallen, returned to Rome on the night of the burning of the Senate-house, and continued to stand for the consulship; furthermore he distributed openly a thousand asses to each voter according to his tribe. Some days later M. Caelius, tribune of the plebs, accorded him a mass meeting and himself pleaded his cause before the people. Each alleged that a plot had been laid by Clodius against Milo.

Meanwhile one Interrex after another was appointed, but all were prevented from holding the consular elections by the disturbances of the candidates and the same armed bands. So first a decree of the Senate was passed that the Interrex and the tribunes of the plebs and Cn. Pompeius, who was proconsul and near to the city, should "see to it that the commonwealth took no harm," and that Pompeius should hold a levy from all Italy. He raised troops with great promptitude; and two young men, 5
called alike Appius Claudius, the sons of C. Claudius who was brother to Clodius, and who for this reason sought vengeance for their uncle's death as if at the bidding of his brother their father, demanded before him

[a] Goddess of the dead; it would appear from this passage that the *fasces* were deposited in her temple when there were no consuls.

that the slaves of Milo and of Fausta his wife should be produced for examination. The slaves of Milo and Fausta were also demanded by the two Valerii, Nepos and Leo, and L. Herennius Balbus. The slaves of P. Clodius and those of his companions were at the same time demanded by Caelius; and those of Hypsaeus and Pompeius by . . .[a] Milo was supported by Q. Hortensius, M. Cicero, M. Marcellus, M. Calidius, M. Cato, and Faustus Sulla. Q. Hortensius briefly said that they who were demanded as being slaves were now free; for after the recent affray Milo had manumitted them on the ground that they had saved his life. All this was done in the intercalary month.[b] About thirty days after the slaying of Clodius, Q. Metellus Scipio joined issue with Q. Caepio in the Senate in the matter of Clodius's murder. The grounds of Milo's defence, he said, were false. . . .[a] Clodius had gone of his own free will to address the senators of Aricia, and had set out with twenty-six slaves; Milo, though the Senate had not been dissolved till after the fourth hour, had hurried to meet him with more than 300 slaves, and above Bovillae had attacked him off his guard upon the road; here P. Clodius had sustained three wounds and had been conveyed to Bovillae; the shop in which he had taken refuge had been stormed by Milo; Clodius had been taken out still breathing and had been slain upon the Appian Way, and as he was dying the ring had been taken from his finger; thereupon Milo, knowing that there was a young son of Clodius in his villa at Alba, had gone to the villa and had examined the slave Halicor by lacerating him limb by limb; he
6 had murdered the bailiff and two other slaves; eleven of the slaves of Clodius who had defended their master had been slain, while Milo had had only two wounded. For this reason Milo had on the next day manumitted the slaves who had helped him the most, and had distributed

[a] A gap in the MSS. here.

[b] A month of 22 or 23 days inserted every other year after Feb. 23, before Caesar's reformation of the Calendar.

a thousand asses each to the people by their tribes in order to rebut the rumours concerning himself. It was alleged that Milo had sent to Cn. Pompeius, who was ardently supporting Hypsaeus because he had been his quaestor, and said that he was ready to stand down from his candidature for the consulship, should Pompeius so choose; Pompeius had answered that he urged none either to stand or to abstain from standing, nor would he interfere in the power or design or will of the Roman people. Then by means of C. Lucilius, who was a friend to Milo on account of his own friendship with M. Cicero, it was alleged that Pompeius had requested Milo not to bring odium upon him by asking his advice in the matter.

Meanwhile, when the whisper was growing that Cn. Pompeius should be elected dictator, and that not otherwise could the ills of the state be allayed, it seemed safer to the Optimates that he should be elected consul without a colleague; and when the matter had been discussed in the Senate, on a decree of the Senate moved by M. Bibulus, Pompeius was appointed consul by the Interrex Servius Sulpicius four days before the Kalends of March in the intercalary month, and immediately entered upon his consulship. On the third day thereafter he moved the enactment of new laws. Two of these he promulgated by decree of the Senate; one concerning assault, under which he specifically included the affray upon the Appian Way and the burning of the Senate-house and the attack upon the house of M. Lepidus the Interrex; the other dealt with corruption, making the penalties more severe and the court formalities shorter. Each law enacted that the witnesses should first be heard, that then on one and the same day both the accuser and the defendant should conclude their pleading, two hours being assigned to the accuser and three to the defendant. M. Caelius, tribune of the plebs, an ardent supporter of Milo, endeavoured to oppose these laws, on the ground that a special law was being carried against Milo, and that trials were being hurried. When Caelius obstinately assailed the law, Pompeius went so far in wrath as to assert that if

he were compelled he would defend the state by arms.
7 Now Pompeius feared Milo, or pretended that he feared him. For the most part he remained not in his house but in his gardens; and that too in the higher parts, around which a great body of soldiers lay on guard. Pompeius also suddenly dissolved the Senate, alleging that he feared Milo's arrival. At the next meeting of the Senate Cornificius asserted that Milo bore a weapon beneath his tunic bound to his thigh; he bade him bare his thigh, whereupon Milo without delay lifted his tunic. Then M. Cicero exclaimed that all the other charges alleged against Milo were of a like character.

Then Munatius Plancus, tribune of the plebs, brought before a mass meeting M. Aemilius Philemon, a man of note, a freedman of M. Lepidus. He stated that he had been travelling with four others, and had come on the scene when Clodius was slain, and for this reason when they had raised an outcry they had been kidnapped and taken to Milo's villa, where they had been held prisoners for two months; this statement, whether true or false, raised great ill-repute against Milo. The same Munatius, and Pompeius, tribunes of the plebs, had brought forward upon the rostra one of the Committee of Three in Capital Offences, and asked him whether he had apprehended Galata, a slave of Milo, in the act of murder. The other answered that he had apprehended him in a tavern as a runaway and had had him brought before him. They then ordered the member of the Committee not to let the slave go free; but on the next day Caelius, tribune of the plebs, and Manilius Cumanus, his colleague, had rescued the slave from his house and had sent him back to Milo. Though Cicero has made no mention of these charges, still, since they have come to my knowledge, I have
8 thought that they should be made known. Q. Pompeius, C. Sallustius, and T. Munatius Plancus, tribunes of the plebs, were foremost in holding meetings that were hostile to Milo, and unfavourable also to Cicero, because he was so ardent in Milo's defence. Later Pompeius and Sallustius fell under suspicion of having become

reconciled to Milo and Cicero. Plancus, however, persisted in his bitterness, and roused the multitude against Cicero also; he also made Milo suspected by Pompeius, loudly asserting that force was being prepared for Pompeius's destruction. Pompeius for this reason constantly complained that plots were being laid against himself, and that openly, and protected himself by a larger bodyguard. Plancus asserted that he would take out a suit against Cicero, while later Pompeius made a like threat. So great, however, was Cicero's resolution and loyalty, that neither by the estrangement of the people from himself, nor by the suspicions of Pompeius, nor by the fear of danger to come, should he be arraigned before the people, nor by the arms openly wielded against Milo, could he be deterred from his defence, although he might have avoided all danger to himself and the hatred of the embittered populace, nay, have even won back Pompeius's favour, had he abated but a little in his ardour for the defence.

A law of Pompeius was then carried in which it was among other things enacted that by the vote of the people an examiner should be appointed from those who had been consuls; election was forthwith held, and L. Domitius Ahenobarbus was appointed examiner. To sit as jury in the case Pompeius proposed such men that it was agreed that never were men more famous nor more upright proposed. Immediately thereafter by the new law 9
Milo was arraigned by the two young Appii Claudii, the same by whom his slaves had previously been demanded, and also for corruption by the same Appii, as well as by C. Ceteius and L. Cornificius; and for illegal association by P. Fulvius Neratus. He was arraigned for illegal association and for corruption in the hope that, as seemed likely, the trial for assault would come off first, wherein they were assured he would be convicted and would not thereafter be able to answer. Selection of accusers[a] for

[a] *Divinatio*—a preliminary proceeding to determine who should prosecute, when several offered themselves.

corruption was made under A. Torquatus; and both examiners, Torquatus and Domitius, ordered the accused to present himself on April 4. On this day Milo came before Domitius's tribunal, and sent his friends to that of Torquatus. Here M. Marcellus pleaded for him, and he gained that he should not plead on the charge of corruption until the trial for assault had been concluded. Before the examiner Domitius the elder Appius demanded that slaves to the number of fifty-four should be produced for examination by Milo, and upon his denying that the number named were at his disposal, Domitius on the resolution of the jury pronounced that from the number of those slaves the accuser should produce as many as he wished.[a] The witnesses were then cited in accordance with the law which enacted, as mentioned above, that the witnesses should be heard during the three days before the case was heard, that their depositions should be confirmed by the jury, that on the fourth day they should all be summoned to appear on the day following, and that in the presence of the accuser and the defendant balls whereon the names of the jurymen were written should be distributed; that then on the next day there should be a drawing of lots for eighty-one jurymen; and that, when this number had drawn their lots, they should forthwith proceed to sit. The accuser should then have two, the defendant three hours in which to plead, and verdict should be given on the accused on that same day; but that before votes were taken the accuser and the defendant should each reject five jurors from each order,[b] leaving fifty-one jurymen to record their votes.

10 On the first day Causinius Schola was brought forward as witness against Milo. He stated that he had been with Clodius at the time of the murder, and to the best of his power he emphasized the shocking nature of the

[a] This appears to contradict C. (§§ 57-60), who says that Milo's slaves were not given up. Possibly Asconius's text is at fault.

[b] *i.e.*, senators, knights, and *tribuni aerarii*.

crime. When M. Marcellus began to examine him, so terrifying was the uproar raised by the Clodian gangs which stood around, that, fearing for his life, he was given sanctuary by Domitius upon his tribunal. For this reason M. Marcellus and Milo himself implored protection from Domitius. Cn. Pompeius was at the time sitting before the Treasury, and perturbed by the clamour he promised Domitius that on the next day he would come down to the court with troops. This he did; and the Clodians were intimidated into allowing the hearing of witnesses to go on for two days. They were examined by M. Cicero, M. Marcellus, and Milo himself. Many inhabitants of Bovillae gave evidence upon the events that had taken place there, the murder of the tavern-keeper, the attack upon the tavern, and the dragging of Clodius's corpse into the public way. The Virgins[a] of Alba also stated that an unknown woman had come to them upon the instructions of Milo to pay a vow because Clodius had been slain. Finally evidence was given by Sempronia, daughter of Tuditanus and daughter-in-law of P. Clodius, and by Fulvia his wife, and by their weeping they deeply stirred the hearts of the bystanders. The court was dismissed about the tenth hour, and T. Munatius in a mass meeting urged the people to present themselves in large numbers on the next day, and not to allow Milo to escape, but to let their views and their indignation be seen by those who came to record their votes. On the 11
next day, April 8, the shops were shut throughout the whole city; Pompeius posted guards in the forum and at all the approaches to it, while he himself sat before the Treasury as on the day previous surrounded by a picked body of soldiery. At daybreak the drawing of lots for the jury took place; the silence that ensued throughout the whole forum was as absolute as can be in any forum. Then before the second hour the accusers, the elder Appius, M. Antonius, and P. Valerius Nepos, had begun their speeches. In accordance with the law they took two hours.

[a] Connected with the local cult of Vesta.

M. Cicero alone replied; and though it had been thought best by certain persons that the ground of defence should be that Clodius's death had been in the public interest—a line which M. Brutus pursued in the speech which he composed and published in Milo's defence, though he did not deliver it—Cicero determined otherwise, on the ground that the man who could be condemned to the public good, could not also be put to death without a conviction. The accusers had insisted that Milo had plotted against Clodius; this was false, for the brawl had arisen fortuitously; Cicero took up this point, and asserted that on the contrary Clodius had plotted against Milo, and his whole argument turned on this assertion. It was clear, as has been pointed out, that no one had designed the encounter on that day, but that it had arisen by chance; it had begun with a slave brawl and had ended in murder. At the same time it was undeniable that each had often threatened the other with death; and though the fact that Milo's retainers outnumbered those of Clodius cast suspicion upon him, at the same time Clodius's men had been more lightly equipped and better prepared for battle than had those of Milo. When Cicero began to speak, he was greeted by yells from Clodius's partisans, whom not even fear of the soldiers standing round could restrain; consequently he spoke with far less than his customary resolution.[a] The speech which was actually delivered is also extant. That which we read was written out by him afterwards; it is so elaborate that we may well look upon it as that which he originally intended to deliver.

Of the result of the trial Asconius says:

12 When both sides had conducted their cases, the accuser and the defendant each rejected five senators and a like

[a] Plutarch says: "When he saw . . . weapons glistening all round the forum, he was so confounded that he could scarce begin his oration. For he shook and his tongue faltered, though Milo attended the trial with great courage."

number of knights and tribunes of the treasury, so that fifty-one recorded their votes. Twelve senators voted for condemnation and six for acquittal; of the knights thirteen for condemnation and four for acquittal; of the tribunes of the treasury thirteen for condemnation and three for acquittal. It appeared that the jury were fully aware that in the beginning Clodius had been wounded without the knowledge of Milo, but they established the fact that after he had been wounded it was at Milo's orders that he had been killed. Some believed that M. Cato's vote went for acquittal, for he had not disguised his opinion that the state had gained by Clodius's death; he supported Milo in his candidature for the consulship and had assisted him in his defence. Furthermore Cicero had referred to him by name in his presence, and had called him to witness that three days before the affray took place M. Favonius had told him that Clodius had said that Milo would lose his life within the next three days.[a] . . . But Milo too was known to be a man of wicked daring, and Cato thought it advisable that he should be removed from the state. But none could ever have known for certain on which side he had given his vote. He was pronounced condemned, mainly by the efforts of Appius Claudius. On the following day Milo was arraigned for corruption before Manlius Torquatus, and condemned in his absence. Under this law too his accuser was Appius Claudius, who was awarded the bounty offered by the law,[b] but refused to avail himself of it. His juniors in the prosecution for corruption were P. Valerius Leo and Cn. Domitius, son of Gnaeus. A few days later Milo was condemned on a charge of illegal association before the examiner M. Favonius upon the suit of P. Fulvius Neratus, to whom the legal bounty was awarded. Following this

[a] See § 44; the text is mutilated here and something seems to have been lost.

[b] Under certain laws a reward was given to a prosecutor who won a conviction. What the reward was under the *Lex Pompeia de Ambitu* is not known.

a second conviction for assault was given against him before the examiner L. Fabius at the suit of L. Cornificius and Q. Patulcius. Milo within a very few days started for Massilia to spend his exile there. His property was sold for only one twenty-fourth of its value on account of the large debts with which it was encumbered.

THE SPEECH AGAINST LUCIUS CALPURNIUS PISO

INTRODUCTION

The coalition of Caesar, Pompey, and Crassus had in 56 survived for three years. Caesar was in Gaul, laying the foundation of western Europe; Pompey, who had been the bulwark of the Republic and the idol of Cicero, had been bribed away from the Senate into the great man's leading-strings; Crassus, enviously writhing under a sense of civilian inferiority to his colleagues, was dreaming of oriental triumphs; while Cicero, an *enfant terrible* chastened by relegation, had been brought out of his corner to play propagandist to the Big Three, and forget his dreams of freedom and the "Happy Family."

But Caesar had found the five years allotted to him by Vatinius's law all too few for his task. There were ugly rifts opening in the coalition which reactionaries were working hard to enlarge. He therefore invited his colleagues and adherents to confer with him at Luca, on the borders of his province, as to what fresh arrangements might prolong the life of the triumvirate. Here it was arranged that he should have his command extended for a further five years after 54 with further grants of men and money, while Pompey and Crassus were to have similar commands in the near future; Cicero was to be brought finally to heel and taught to fetch and carry as his masters might require.

AGAINST PISO

When in 58 Caesar had left Rome for Gaul, not wishing to leave an idealistic and unmuzzled Cicero to frustrate his ambitions, he had employed two agents for his removal. One was the tribune and mob-leader Clodius, who had an old grudge against the orator to pay off, and the other was Piso, consul for 58, whose daughter Calpurnia he himself had recently married. Clodius moved Cicero's banishment, and to Piso and his colleague Gabinius, as a reward for their connivance, were given respectively the provinces of Macedonia and Syria.

Cicero returned to Rome in 57, and gave proof of his gratitude to the triumvirs by his speech On the Consular Provinces—his "recantation," as he self-despisingly describes it to Atticus—in which he justifies his *volte-face* and urges the necessity of giving Caesar a free hand to complete his work in Gaul. But at the same time he imputed gross misgovernment in their provinces to Piso and Gabinius, and demanded that they should be superseded by praetorian governors.

Piso returned home in disgrace, and vented his spite against Cicero in a speech before the Senate, in which, after protesting against his own supersession, he cast in the orator's teeth his banishment, his poetry, and his vanity.

Of the opening part of Cicero's speech in reply we have only a few confusing *disiecta membra* gleaned mainly from Asconius and Quintilian. The speech in general is full of a scurrility astounding even by the standard of ancient usage; though we cannot but admire the skill with which Cicero contrives to avoid giving offence to Caesar or to Pompey.

IN L. CALPURNIUM PISONEM ORATIO

FRAGMENTA

1. Pro di immortales, qui hic inluxit dies? (Quint. ix. 4. 76.)

2. Quod minimum specimen in te ingenii? ingenii autem? immo ingenui hominis ac liberi; qui colore ipso patriam aspernaris, oratione genus, moribus nomen. (Ascon.)

3. Hoc non ad contemnendam Placentiam pertinet, unde se is ortum gloriari solet; neque enim hoc mea natura fert nec municipii, praesertim de me optime meriti, dignitas patitur. (Ascon.)

4. Insuber quidam fuit, idem mercator et praeco: is cum Romam cum filia venisset, adulescentem nobilem Caesoninum, hominis furacissimi filium, ausus est appellare: homini levi et subito filiam conlocavit. (Ascon.)

5. Quae te beluam ex utero, non hominem fudit. (Serv. *Aen.* viii. 139.)

6. Hic cum ad om . . . Placentiae forte con-

[a] *i.e.*, Frugi (honest).
[b] By supporting his recall by their votes.
[c] Calventius, Piso's maternal grandfather.

THE SPEECH AGAINST LUCIUS CALPURNIUS PISO

(Delivered before the Senate, 55)

FRAGMENTS

1. Ye immortal gods! What a day is this that has dawned!

2. What slightest proof do you give of genius? Of genius, do I say? Nay, of gentility and gentlemanly character—you, who by your very complexion bring your country into contempt, by your speech your family, by your conduct your name.[a]

3. The effect of this is not to make us think meanly of Placentia, which he boasts of as his native town; it is not that way my nature tends; and the eminence of that municipality, as well as the great service it has rendered to me,[b] put such feelings out of question.

4. There was a certain Insubrian,[c] a merchant and auctioneer; he came to Rome with his daughter, and ventured to describe a young man of good birth, Caesoninus by name, as the son of a thorough knave; he gave his daughter in marriage to a shallow and headstrong fellow.

5. . . . She who was delivered of you, a beast and no man.

6. He happened to settle at Placentia, and a few

sedit et paucis *post annis* in eam civitatem—nam tum erat *civitas*—ascendit. Prius enim Gallus, dein Gallic*anus* extremo *Semi*placentinus haberi . . . *coeptus est.* (Ascon.)

7. Maiorem sibi Insuber ille avus adoptavit. (Arus. Mess.)

8. Lautiorem . . . pater tuus socerum, quam C. Piso . . . in illo luctu . . . non ei filiam meam conlocavi, quem ego . . . potestas tum omnium fuisset, unum potissimum delegissem. (Ascon.)

9. Cum tibi tota cognatio serraco advehatur. (Quint. viii. 3. 21.)

10. Proximus Pompeium sedebam. (Diomed. 405.)

1 I. . . . Iamne vides, belua, iamne sentis quae sit hominum querella frontis tuae? Nemo queritur Syrum nescio quem de grege noviciorum factum esse consulem; non enim nos color iste servilis, non pilosae genae, non dentes putridi deceperunt: oculi, supercilia, frons, voltus denique totus, qui sermo quidam tacitus mentis est, hic in fraudem homines impulit; hic eos, quibus eras ignotus, decepit, fefellit, induxit. Pauci ista tua lutulenta vitia noramus; pauci tarditatem ingenii, stuporem debilitatemque linguae; numquam erat audita vox in foro; numquam periculum factum consilii; nullum non modo inlustre, sed ne notum quidem factum aut militiae

[a] Lack of context makes C.'s point here impossible to perceive.

years later hoisted himself into the freedom of that city; for it was a city at that time. At the outset he had been a Gaul, later he became "of Gallic extraction," finally he began to be considered a half-Placentian.

7. The elder was adopted by his Insubrian grandfather.

8. In his distress your father looked for a rather more polished son-in-law than Gaius Piso. . . . I did not betroth my daughter to a man whom I, when I had all the world to choose from, should have selected in preference to any other.

9. All your kith and kin drive up on a wagon. . .

10. I was sitting close to Pompeius. . . .

I. . . . Do[a] you begin to see, monster, do you begin to realize how men loathe your impudence? No one complains that some Syrian or other, some member of a crew of newly-made slaves, has become consul. We were not deceived by your slavish complexion, your hairy cheeks, and your discoloured teeth; it was your eyes, eyebrows, forehead, in a word your whole countenance, which is a kind of dumb interpreter of the mind, which pushed your fellow-men into delusion; this it was which tricked, betrayed, inveigled those who were unacquainted with you. There were but few of us who knew of your filthy vices, few the crassness of your intelligence and the sluggish ineptitude of your tongue. Your voice had never been heard in the forum; never had your wisdom in council been put to the test; not a single deed had you achieved either in peace or war that was, I will not say famous, but even known. You crept 1

aut domi. Obrepsisti ad honores errore hominum, commendatione fumosarum imaginum, quarum simile
2 habes nihil praeter colorem. Is mihi etiam gloriatur se omnis magistratus sine repulsa adsectum? Mihi ista licet de me vera cum gloria praedicare; omnis enim honores populus Romanus mihi ipsi, non nomini detulit. Nam tu cum quaestor es factus, etiam qui te numquam viderant, tamen illum honorem nomini mandabant tuo; aedilis es factus: Piso est a populo Romano factus, non iste Piso; praetura item maioribus delata est tuis; noti erant illi mortui: te vivum nondum noverat quisquam. Me cum quaestorem in primis, aedilem priorem, praetorem primum cunctis suffragiis populus Romanus faciebat, homini ille honorem, non generi, moribus, non maioribus meis, virtuti perspectae,
3 non auditae nobilitati deferebat. Nam quid ego de consulatu loquar, parto vis, anne gesto? Miserum me! cum hac me nunc peste atque labe confero! Sed nihil comparandi causa loquar, ac tamen ea, quae sunt longissime disiuncta, comprehendam: tu consul es renuntiatus—nihil dicam gravius quam quod omnes fatentur—impeditis rei publicae temporibus, dissidentibus consulibus, cum hoc non recusares eis, a quibus dicebare consul, quin te luce dignum non putarent, nisi nequior quam Gabinius exstitisses: me cuncta Italia, me omnes ordines, me universa

[a] The *imagines* of the family, placed in the *atrium*, where the smoke of the fire would blacken them.

into office by mistake, by the recommendation of your dingy family busts,[a] with which you have no resemblance save colour.

Does he even pride himself before *me* on having 2
obtained all the magistracies without a rebuff? I can take a true pride in making that assertion of myself; for upon myself and for myself the Roman people bestowed all its offices. But when you were made quaestor, even men who had never seen you conferred that honour upon—your name. You were made aedile; it was a Piso—not you who bear that name—who was elected by the Roman people. So also it was upon your ancestors that the praetorship was bestowed. They were dead, but all men knew of them; you were alive, but as yet not a single man knew you. But when the Roman people by their general suffrages returned me high on the poll as quaestor, and successively as first aedile and first praetor, it was to a *man* that they paid that distinction, not to a family, to my character, not to my ancestors, to approved merit,
not to reputed nobility. What need for me to speak 3
of my consulship, how I won it or how I wielded it? Alas! do I compare myself with this pest and plague-spot? No, I will say nothing with the view of drawing comparisons; yet I will set one beside the other pictures which present a striking contrast. You were declared consul—I shall say nothing worse than what everyone acknowledges—at a time when the commonwealth was deeply embarrassed, when the consuls were at odds, and when you did not object to those by whom you were nominated consul counting you unfit to live, should you not prove yourself a greater rascal than Gabinius. I was returned consul at the head of the poll by all Italy, all orders

civitas non prius tabella quam voce priorem consulem declaravit.

II. Sed omitto, ut sit factus uterque nostrum; sit sane Fors domina campi: magnificentius est dicere quem ad modum gesserimus consulatum quam quem ad
4 modum ceperimus. Ego Kalendis Ianuariis senatum et bonos omnis legis agrariae maximarumque largitionum metu liberavi; ego agrum Campanum, si dividi non oportuit, conservavi; si oportuit, melioribus auctoribus reservavi; ego in C. Rabirio perduellionis reo XL annis ante me consulem interpositam senatus auctoritatem sustinui contra invidiam atque defendi; ego adulescentis bonos et fortis, sed usos ea condicione fortunae, ut, si essent magistratus adepti, rei publicae statum convolsuri viderentur, meis inimicitiis, nulla senatus mala gratia, comitiorum ratione privavi;
5 ego Antonium conlegam, cupidum provinciae, multa in re publica molientem patientia atque obsequio meo mitigavi; ego provinciam Galliam senatus auctoritate exercitu et pecunia instructam et ornatam quam cum Antonio commutavi, quod ita existimabam tempora rei publicae ferre, in contione deposui reclamante populo Romano; ego L. Catilinam, caedem senatus, interitum urbis non obscure, sed palam

[a] *i.e.*, Rullus's *Lex Agraria*.

[b] C. while consul had defended R. who was accused by Caesar of *perduellio* (acts hostile to the state), on the ground that he had murdered the tribune Saturninus in 100 B.C., thirty-six years previously. Caesar's accusation was an assault upon the Senate's authority, just as S.'s death had been an assertion of it.

[c] The sons of those proscribed by Sulla, who had been debarred, by a law of Sulla, from holding office.

[d] C. gave up to him the province of Macedonia, in order to win his support against Catiline.

in the state, and the entire community—and that by general acclamation before a single voting-tablet was handed in.

II. But as to *how* each of us was elected I prefer to say nothing. Let Chance, if it please you, be mistress of the hustings. It is a loftier theme to tell how we wielded our consulships than after what fashion we won them. I on the first of January 4
freed the senate and all good patriots from apprehension of an agrarian law [a] and a vast system of doles. I preserved the Campanian territories, in cases where its allotment was inadvisable; in cases where such was advisable I reserved the allotment for more reputable authorities. I, when Gaius Rabirius [b] was standing his trial for treason, upheld and defended against detraction the authority of the senate which had been interposed forty years before my consulship. I, at the cost of enmity to myself, but of no odium to the senate, deprived of the privilege of candidature at the elections young men [c] who, though brave and patriotic, had passed through experiences which would probably have led them to shatter the constitution, had they obtained office. I, by my forbearance and 5
complaisance, propitiated my colleague Antonius,[d] who was eager for a province, and deep in political intrigues. I, in spite of the protests of the Roman people, renounced at a public meeting my claim to the province of Gaul, which I exchanged with Antonius, well equipped as it was and appointed with forces and funds by the senate's authority, because I thought that political exigencies called for such renunciation. I, when Lucius Catilina was not obscurely but openly plotting the massacre of the senate and the destruction of the city, bade him go forth from the city, that

molientem, egredi ex urbe iussi, ut, a quo legibus non poteramus, moenibus tuti esse possemus; ego tela extremo mense consulatus mei intenta iugulis civitatis de coniuratorum nefariis manibus extorsi; ego faces iam accensas ad huius urbis incendium comprehendi,
6 protuli, exstinxi; III. me Q. Catulus, princeps huius ordinis et auctor publici consilii, frequentissimo senatu parentem patriae nominavit; mihi hic vir clarissimus, qui propter te sedet, L. Gellius, his audientibus civicam coronam deberi a re publica dixit; mihi togato senatus, non ut multis bene gestae, sed ut nemini conservatae rei publicae singulari genere supplicationis deorum immortalium templa patefecit; ego cum in contione abiens magistratu dicere a tribuno plebis prohiberer ea quae constitueram, cum is mihi tantum modo ut iurarem permitteret, sine ulla dubitatione iuravi rem publicam atque hanc
7 urbem mea unius opera esse salvam, ac mihi populus Romanus universus illa in contione non unius diei gratulationem, sed aeternitatem immortalitatemque donavit, cum meum ius iurandum tale atque tantum iuratus ipse una voce et consensu approbavit; quo quidem tempore is meus domum fuit e foro reditus, ut nemo, nisi qui mecum esset, civium esse in numero videretur. Atque ita est a me consulatus peractus,

[a] Given for saving the life of a citizen in battle.
[b] Q. Metellus Nepos; see *Ad fam.* v. 2.

we might be protected by our walls from one from whom the laws could not protect us. I, in the last month of my consulship, wrenched from the abominable hands of conspirators the weapons which were levelled at the throats of our citizens. The torches which were already lit for the conflagration of this city were by me seized, displayed, extinguished.

III. Quintus Catulus, leader of this order and a 6
guiding voice in state policy, before a crowded meeting of the senate named me Father of my Country. The illustrious Lucius Gellius, who sits at your side, asserted in the hearing of my audience that a civic crown [a] was due to me from the commonwealth. Though I wore but the gown of civil life the senate threw open in my honour the temples of the immortal gods in an unprecedented form of thanksgiving, distinguishing me not, like so many, for the good government of the state, but, like no one else, for its preservation. At a public meeting, when upon laying down my office I was debarred by a tribune of the plebs [b] from saying what I had intended, and when I was by him permitted to do no more than take the usual oath, I swore without flinching that this commonwealth and this city had been saved by my sole efforts. At that meeting the entire people of 7
Rome accorded to me, not a vote of thanks which would pass with the day, but eternity and immortality, when, themselves upon oath, with one voice and one heart, they acclaimed an oath so proud and so memorable. And on that day my return home from the forum was such that there seemed to be no one in the whole catalogue of citizens who was not in my train. Indeed my consulship was so conducted from its beginning to its end, that I did nothing without

ut nihil sine consilio senatus, nihil non approbante
populo Romano egerim, ut semper in rostris curiam,
in senatu populum defenderim, ut multitudinem cum
principibus, equestrem ordinem cum senatu con-
iunxerim. Exposui breviter consulatum meum.

8 IV. Aude nunc, o furia, de tuo dicere! cuius fuit
initium ludi compitalicii, tum primum facti post L.
Iulium et C. Marcium consules, contra auctoritatem
huius ordinis: quos Q. Metellus—facio iniuriam
fortissimo viro mortuo, qui illum, cuius paucos paris
haec civitas tulit, cum hac importuna belua conferam
—sed ille designatus consul, cum quidam tribunus
plebis suo auxilio magistros ludos contra senatus
consultum facere iussisset, privatus fieri vetuit, atque
id, quod nondum potestate poterat, obtinuit auctori-
tate: tu, cum in Kalendas Ianuarias compitaliorum
dies incidisset, Sex. Clodium, qui numquam antea
praetextatus fuisset, ludos facere et praetextatum
volitare passus es, hominem impurum ac non modo
9 facie, sed etiam oculo tuo dignissimum. Ergo his
fundamentis positis consulatus tui, triduo post inspec-
tante et tacente te a fatali portento prodigioque rei
publicae lex Aelia et Fufia eversa est, propugnacula
murique tranquillitatis atque otii; conlegia, non ea
solum, quae senatus sustulerat, restituta, sed in-
numerabilia quaedam nova ex omni faece urbis ac
servitio concitata. Ab eodem homine in stupris in-

[a] These games were in the hands of guilds (*collegia*) and celebrated chiefly by slaves; the risk of disorder which they involved led to their suspension in 64.

[b] At the Compitalicia the *magistri collegiorum* wore the *praetexta*.

[c] Some ocular defect must be referred to.

[d] Enacting the suspension of public business on the announcement of unfavourable signs.

[e] P. Clodius.

the advice of the senate, nothing without the approval
of the Roman people; upon the rostra I constantly
defended the senate, in the senate-house the people;
I welded the populace with its leaders, and the
equestrian order with the senate. This is a brief
description of my consulship.

IV. Dare now, you fiend, to describe your own; it 8
began with the Compitalician Games,[a] then for the
first time celebrated since the consulship of Lucius
Julius and Gaius Marcius, against the authority of
this order; games which Quintus Metellus—I do
wrong to the gallant dead, in comparing him, whose
like this state has rarely borne, to this savage monster
—Quintus Metellus, I say, being consul-elect, when
a certain tribune of the plebs had in virtue of his pre-
rogative ordered the masters of the games to cele-
brate them in defiance of a senatorial decree, forbade
the celebration though a private citizen, and achieved
by his personality what he could not yet achieve as
a magistrate. You, when the date of the Compi-
talician Games had fallen on the first of January,
suffered Sextus Clodius, though he had never before
worn the bordered gown, to hold the games and in
that bordered[b] gown to strut abroad—vile fellow
that he was, in whom not only your face but your
eye[c] found their fitting match. On such foundation 9
was your consulship built; and three days after,
while you looked on unprotesting, the law of Aelius
and Fufius,[d] that bulwark and rampart of security
and repose, was overturned by that predestinate
portent[e] and prodigy of our state; while not only
were those guilds restored which the senate had
abolished, but countless new ones were called into
being from the slave-dregs of the city. He too it

auditis nefariisque versato vetus illa magistra pudoris et modestiae, censura, sublata est; cum tu interim, bustum rei publicae, qui te consulem tum Romae dicis fuisse, verbo numquam significaris sententiam tuam tantis in naufragiis civitatis.

10 V. Nondum quae feceris, sed quae fieri passus sis dico; neque vero multum interest, praesertim in consule, utrum ipse perniciosis legibus, improbis contionibus rem publicam vexet an alios vexare patiatur. An potest ulla esse excusatio, non dicam male sentienti, sed sedenti, cunctanti, dormienti in maximo rei publicae motu consuli? Centum prope annos legem Aeliam et Fufiam tenueramus, quadringentos iudicium notionemque censoriam, quas leges ausus est non nemo improbus, potuit quidem nemo convellere; quam potestatem minuere quo minus de moribus nostris quinto quoque anno iudicaretur nemo tam effuse petulans conatus est.

11 Haec sunt, o carnifex, in prooemio[1] sepulta consulatus tui. Persequere continentis his funeribus dies: pro Aurelio tribunali, ne conivente quidem te, quod ipsum esset scelus, sed etiam hilarioribus oculis quam solitus eras intuente, dilectus servorum habebatur ab eo, qui nihil sibi umquam nec facere nec pati turpe esse duxit. Arma in templo Castoris, o proditor

[1] prooemio Madvig for MSS. gremio.

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[a] See § 9 note.

[b] The right of the censor to affix the *nota*, or mark of discredit, against a senator's name.

[c] *i.e.*, P. Clodius, who while tribune enrolled slaves to help him to carry his laws by force.

was who, wallowing in unparalleled and abominable debaucheries, abolished the censorship, that ancient guardian of honour and chastity; and all this while you, the funeral-pyre of the commonwealth, who assert that at that time you were consul at Rome, never by so much as a whisper declared your mind in that dire shipwreck of society.

V. I speak not yet of what you did, but of what you permitted to be done. But indeed it makes little difference, above all in a consul, whether he himself harry the commonwealth with ruinous laws and unscrupulous harangues, or allow others so to harry it. Or can an excuse be found for a consul who I will not say means mischief, but for a consul who sits with his hands before him, who dallies, who sleeps, while his country topples about his ears? For nigh a century we had maintained the law of Aelius and Fufius,[a] and for four hundred the censor's prerogative of criticism and stigmatization[b]—institutions which now and then a scoundrel has had the audacity, but none the power, to uproot; powers which none has with such wanton profligacy endeavoured to curtail, in order to prevent judgement being passed upon our morals once in every five years. 10

These are the things for which, butcher, your consulship provided sepulture in its beginning. Trace with me the days that followed upon these obsequies. Before the tribunal of Aurelius, while you, I will not say shut your eyes, though that in itself would have been criminal enough, but gazed with eyes that shone with even more than their wonted glee, a levy of slaves was held by one[c] who never thought himself degraded by any act or any treatment. Arms, O betrayer of all temples, were set up under your eyes in 11

templorum omnium, vidente te constituebantur ab eo latrone, cui templum illud fuit te consule arx civium perditorum, receptaculum veterum Catilinae militum, castellum forensis latrocinii, bustum legum omnium ac religionum. Erat non solum domus mea, sed totum Palatium, senatu, equitibus Romanis, civitate omni, Italia cuncta refertum, cum tu non modo ad eum Ciceronem—mitto enim domestica, quae negari possunt; haec commemoro, quae sunt palam—non modo, inquam, ad eum, cui primam comitiis tuis dederas tabulam praerogativae, quem in senatu sententiam rogabas tertium, numquam aspirasti, sed omnibus consiliis, quae ad me opprimendum parabantur, non interfuisti solum, verum etiam crudelissime praefuisti.

12 VI. Mihi vero ipsi coram genero meo, propinquo tuo, quae dicere ausus es? Egere, foris esse Gabinium: sine provincia stare non posse; spem habere a tribuno plebis, si tua consilia cum illo coniunxeris; a senatu quidem desperasse: huius te cupiditati obsequi, sicuti ego fecissem in conlega meo; nihil esse quod praesidium consulum implorarem: sibi quemque consulere oportere. Atque haec dicere vix audeo: vereor ne qui sit qui istius insignem nequitiam frontis involutam integumentis nondum cernat: dicam tamen:

[a] Two marks of special honour:—(*a*) at the consular election presided over by P., C. was a member of the Century which drew the lot entitling it to vote first (*praerogativa*), and P. handed C. the tablet, inviting him to start the voting; (*b*) in the senate P., as presiding consul, had called upon C. to speak third. Such priority was normally accorded to ex-consuls, but on this occasion there may have been several present who were senior to C.

the temple of Castor by that robber who, when you were consul, treated that temple as the sanctuary of abandoned citizens, the rendezvous of Catiline's veteran soldiers, a stronghold of public brigandage, and a pyre for the destruction of all laws and all sanctities. My house, and not alone my house, but the whole Palatine was crowded with the senate, Roman knights, the entire citizen body, and the whole of Italy; while *you* not only never came near that Cicero—I say nothing of private relations, which you might disclaim; I mention only what is notorious—not only, I say, never came near that Cicero to whom at your election you had handed the first voting-tablet of the prerogative century, whom in the senate you used to ask for his opinion third,[a] but actually gave not merely your presence, but even your heartless presidency to all those deliberations which aimed at my overthrow.

VI. And to myself in the presence of my son-in-law, your kinsman,[b] what words were those you dared to utter? That Gabinius was a beggar, cast out from house and home; that he could not exist without a province; that he had hopes in a tribune of the people, should you make common cause with him; that from the senate he looked for nothing; that you were humouring his ambitions, as I had humoured those of my colleague; that there was no reason for me to appeal to the consuls for protection; that everyone should take measures in his own interest. And this I hardly dare mention—I fear there may be someone who as yet fails to discern the monstrous villainy that yonder solemn brow envelopes in its folds, yet mention it I will—he himself at least will recognize 12

[b] C. Piso, husband of C.'s daughter Tullia.

ipse certe agnoscet et cum aliquo dolore flagitiorum
13 suorum recordabitur. Meministine, caenum, cum ad te quinta fere hora cum C. Pisone venissem, nescio quo e gurgustio te prodire, involuto capite, soleatum? et cum isto ore foetido taeterrimam nobis popinam inhalasses, excusatione te uti valetudinis, quod diceres vinolentis te quibusdam medicaminibus solere curari? quam nos causam cum accepissemus—quid enim facere poteramus?—paulisper stetimus in illo ganearum tuarum nidore atque fumo; unde tu nos cum improbissime respondendo, tum turpissime
14 ructando eiecisti. Idem illo fere biduo productus in contionem ab eo, cui sic aequatum[1] praebebas consulatum tuum, cum esses interrogatus quid sentires de consulatu meo, gravis auctor, Calatinus credo aliquis aut Africanus aut Maximus et non Caesoninus Semiplacentinus Calventius, respondes, altero ad frontem sublato, altero ad mentum depresso supercilio, crudelitatem tibi non placere. VII. Hic te ille, homo dignissimus tuis laudibus, conlaudavit.

Crudelitatis tu, furcifer, senatum consul in contione condemnas? Non enim me, qui senatui parui: nam relatio illa salutaris et diligens fuerat consulis, animadversio quidem et iudicium senatus: quae cum

[1] *For* sic aequatum *Clark suggests* sicam quandam.

[a] Gabinius.

[b] The best sense which can be made of a doubtful text; adopting Clark's emendation, we might render "to be used as a dagger" (*i.e.* to stab the State).

[c] The word means "half-Gaul," but is here interposed among the other names with effect intended to be comic.

[d] Referring to the execution of Catiline's fellow-conspirators.

its truth, and it will be with a pang that he recalls
his enormities. Do you remember, you filth, when I 13
visited you at about the fifth hour with Gaius Piso, how you were emerging from some mean hovel with a hood upon your head and slippers upon your feet? and how, when from your malodorous lips you had exhaled upon us the fumes of that disgusting tavern, you pleaded your enfeebled health, and alleged that you were in the habit of taking some sort of vinous remedies to support it? and how, when we had accepted your explanation—for what else could we do?—we stood for a while in the reek and fume of your stew-houses, until at length you drove us thence by your impudent replies and your disgusting eructations? About two days after this you were intro- 14
duced to a public meeting by the man[a] at whose disposal you were placing a consulship so fairly divided[b]; and when asked for your views as to my consulship you, with a sage sententious air—another Calatinus, one would have thought, an Africanus or a Maximus, instead of a Caesoninus Semiplacentinus[c] Calventius—you made answer, with one eyebrow soaring into your forehead and the other tucked down to the level of your chin, to the effect that you "disapproved of cruelty."[d] VII. Whereupon that noble fellow, than whom you could find no more appropriate panegyrist, applauded you.

And do you, scoundrel, in addressing the people as consul, condemn the senate for cruelty? For it is not I you condemn, who did but carry out the senate's orders; for though that beneficent and conscientious proposal was indeed the work of the consul, the punishment and the sentence were the work of the senate. And in blaming these, you do

reprehendis, ostendis qualis tu, si ita forte accidisset, fueris illo tempore consul futurus: stipendio, mehercule, et frumento Catilinam esse putasses iuvandum.

15 Quid enim interfuit inter Catilinam et eum, cui tu senatus auctoritatem, salutem civitatis, totam rem publicam provinciae praemio vendidisti? Quae enim L. Catilinam conantem consul prohibui, ea P. Clodium facientem consules adiuverunt. Voluit ille senatum interficere, vos sustulistis; leges incendere, vos abrogastis; vim inferre patriae, vos adiuvistis: quid est vobis consulibus gestum sine armis? incendere illa coniuratorum manus voluit urbem: vos eius domum, quem propter urbs incensa non est. Ac ne illi quidem, si habuissent vestri similem consulem, de urbis incendio cogitassent; non enim se tectis privare voluerunt, sed his stantibus nullum domicilium sceleri suo fore putaverunt. Caedem illi civium, vos servitutem expetistis; hic vos etiam crudeliores: huic enim populo ita fuerat ante vos consules libertas insita, ut ei mori potius quam servire

16 praestaret. Illud vero geminum consiliis Catilinae et Lentuli, quod me domo mea expulistis, Cn. Pompeium domum suam compulistis: neque enim me stante et manente in urbis vigilia neque resistente Cn. Pompeio, omnium gentium victore, umquam se illi rem publicam delere posse duxerunt. A me quidem

[a] "You" is plural here and throughout the rest of the paragraph, *i.e.* Piso and Gabinius as consuls.

[b] *i.e.*, Catiline's conspirators would not have needed to burn Rome had Piso and Gabinius been consuls, for they would then have been secure without doing so. The whole of this comparison is ridiculously strained and turgid.

[c] Pompey shut himself up in his house while Clodius was terrorizing Rome with his gangs.

but demonstrate what sort of a consul you, had it so happened, would have been at that crisis; it is with pay, God help us, and with provisions that you would have thought Catiline should be assisted! For what 15
difference was there between Catiline and the man to whom you sold the authority of the senate, the welfare of the community, and the whole constitution, for the price of a province? Yes, the consuls assisted Clodius in the execution of what Catiline was but attempting when I as consul defeated him. He would fain have massacred the senate, you[a] abolished it; have destroyed the laws, you rescinded them; have worked the downfall of his country, you assisted him. In your consulship what was achieved without recourse to arms? That crew of conspirators wished to burn the city, you to burn the house of him to whom it was due that the city was not burned. And yet even those scoundrels would not have wished to fire Rome if they had had a consul like one of you two; for they did not want to have no roof over their heads, but thought that while this order stood they would find no shelter for their villainy.[b] They desired the slaughter of their fellow-citizens, you their enslavement; and herein you showed yourselves the crueller, for before your consulship the spirit of freedom was so deeply engrained in this people, that they held death preferable to servitude. Yet in this one respect the policies of yourselves and 16
of Catiline and Lentulus are counterparts one of another; you drove me from my house, and Gnaeus Pompeius into his[c]; for they held that, while I stood firm at my post as sentinel over the city, and while Pompeius, the vanquisher of all nations, withstood them, they could never hope to destroy the common-

etiam poenas expetistis, quibus coniuratorum manes expiaretis; omne odium, inclusum nefariis sensibus impiorum, in me profudistis; quorum ego furori nisi cessissem, in Catilinae busto vobis ducibus mactatus essem. Quod autem maius indicium exspectatis nihil inter vos et Catilinam interfuisse, quam quod eandem illam manum ex intermortuis Catilinae reliquiis concitastis, quod omnis undique perditos conlegistis, quod in me carcerem effudistis, quod coniuratos armastis, quod eorum ferro ac furori meum corpus atque omnium bonorum vitam obicere voluistis?

17 VIII. Sed iam redeo ad praeclaram illam contionem tuam. Tu es ille, cui crudelitas displicet? qui, cum senatus luctum ac dolorem suum vestis mutatione declarandum censuisset, cum videres maerere rem publicam amplissimi ordinis luctu, o noster misericors, quid facis? Quod nulla in barbaria quisquam tyrannus—omitto enim illud, consulem edicere ut senatus consulto ne obtemperetur: quo foedius nec fieri nec cogitari quicquam potest—ad misericordiam redeo eius, cui nimis videtur senatus in conservanda patria
18 fuisse crudelis: edicere est ausus cum illo suo pari, quem tamen omnibus vitiis superare cupiebat, ut senatus contra quam ipse censuisset ad vestitum rediret. Quis hoc fecit ulla in Scythia tyrannus, ut

wealth. From me you even sought to exact a penalty, that you might thereby appease the shades of the dead conspirators; you discharged upon my head all the wrath that fermented in the abominable hearts of traitors; and had I not given place before their fury, I should by your directing hands have been sacrificed upon Catiline's pyre. What greater proof do you look for of the essential similarity between yourselves and Catiline than the fact that it was from the expiring remnant of Catiline's followers that you gathered to your standard a troop like his own, that you collected all the renegades of all the earth, that you unleashed the inmates of the jail against me, that you armed conspirators, and that you were ready to expose my person and the lives of all true men to their infuriated onslaught?

VIII. I return to the point of your egregious 17
harangue. You, it appears, are the man who "disapproves of cruelty"!—you, who, when the senate thought fit to signify its grief and indignation by a change of attire, when you saw the whole commonwealth mourning to see the grief of its most eminent order, what do we find you doing, O paragon of pity? Why, what no despot of heathendom ever did. I say nothing of a consul issuing an edict that a decree of the senate should be disobeyed, than which no more shameful act can be done or dreamed of; I return to the compassionate heart of the man who thinks the senate to have been too cruel in the preservation
of their fatherland. Along with that mate of his, 18
whom, mate though he was, he aimed at surpassing in every vice, he made bold to decree that the senate should go back upon its own resolution and return to its normal attire. What despot in Scythia ever acted

eos, quos luctu adficeret, lugere non sineret? Maerorem relinquis; maeroris aufers insignia. Eripis lacrimas non consolando, sed minando. Quod si vestem non publico consilio patres conscripti sed privato officio aut misericordia mutavissent, tamen id his non licere per interdicta potestatis tuae crudelitatis erat non ferendae: cum vero id senatus frequens censuisset et omnes ordines reliqui iam ante fecissent, tu, ex tenebricosa propina consul extractus, cum illa saltatrice tonsa senatum populi Romani occasum atque interitum rei publicae lugere vetuisti.

IX. Atque quaerebat etiam paulo ante de me quid suo mihi opus fuisset auxilio; cur non meis inimicis meis copiis restitissem: quasi vero non modo ego, qui multis saepe auxilio fuerim, sed quisquam tam inops fuerit umquam qui isto non modo propugnatore tutiorem se, sed advocato aut astipulatore paratiorem
19 fore putaret. Ego istius pecudis ac putidae carnis consilio scilicet aut praesidio volebam niti? Ab hoc eiecto cadavere quicquam mihi aut opis aut ornamenti expetebam? Consulem ego tum quaerebam, consulem, inquam, non illum quidem, quem in hoc maiali invenire non possem, qui tantam rei publicae causam gravitate et consilio suo tueretur, sed qui tamquam truncus atque stipes, si stetisset modo, posset sustinere

[a] Gabinius, for whom *saltatrix* is C.'s constant epithet.
[b] C. refers to the time of his banishment.

thus—to forbid the signs of mourning to those whom he had forced to mourn? Their grief you leave with them; of the emblems of their grief you rob them. You force them to forgo their tears not by consolation but by threats. Even had the conscript fathers changed their attire not by official resolution but as a mark of private respect or compassion, it would have been an intolerable act of cruelty that your magisterial edict should forbid them; but when a crowded senate had passed a motion to that effect, and when all the other orders had already done what that motion was to enact, you the consul were dragged from your dingy cook-shop with your shaven dancing-girl [a] to forbid the senate of the Roman people to mourn the downfall and destruction of their state.

IX. Furthermore a short while ago he actually inquired of me what need I had of his assistance, and why I had not used my own resources to resist my own enemies,[b]—as if forsooth not myself alone, who have often been of assistance to many, but any man alive were ever in so desperate a plight as to dream not only that he would be safer with such a champion but better equipped by having him as
advocate or seconder. Was I anxious forsooth to 19
depend upon the advice or protection of a brute, a lump of carrion? Did I look for any advantage of utility or ornament from that abandoned carcass? It was a *consul* for whom I was looking at that time—a consul, I say—not indeed one (for that I could not possibly find in this gelded hog) who by his dignity and wisdom could maintain a cause of such importance to the state, but at least one who, like a trunk or a stock, if he did but stand upright, could still carry

tamen titulum consulatus. Cum enim esset omnis
causa illa mea consularis et senatoria, auxilio mihi
opus fuerat et consulis et senatus; quorum alterum
etiam ad perniciem meam erat a vobis consulibus
conversum, alterum rei publicae penitus ereptum.
Ac tamen, si consilium exquiris meum, neque ego
cessissem et me ipsa suo complexu patria tenuisset,
si mihi cum illo bustuario gladiatore et tecum et cum
20 conlega tuo decertandum fuisset. Alia enim causa
praestantissimi viri, Q. Metelli, fuit, quem ego civem
meo iudicio cum deorum immortalium laude coniungo;
qui C. illi Mario, fortissimo viro et consuli et sextum
consuli et eius invictis legionibus, ne armis confligeret,
cedendum esse duxit. Quod mihi igitur certamen
esset huius modi? Cum C. Mario scilicet aut cum
aliquo pari an cum altero, barbato[1] Epicureo, cum
altero, Catilinae lanternario consule? Neque hercule
ego supercilium tuum neque conlegae tui cymbala
fugi; neque tam fui timidus, ut, qui in maximis
turbinibus ac fluctibus rei publicae navem guber-
nassem salvamque in portu conlocassem, frontis tuae
nubeculam aut conlegae tui contaminatum spiritum
21 pertimescerem: alios ego vidi ventos; alias prospexi
animo procellas; aliis impendentibus tempestatibus
non cessi, sed his unum me pro omnium salute obtuli.

[1] barbato *Clark*; barbaro MSS.

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[a] Gladiatorial games were primitively funeral rites; C. often refers to his exile as *funus*. The gladiator here is Clodius.

[b] *i.e.*, Numidicus refused to swear obedience to Saturninus's agrarian law, and went into voluntary exile, 100.

[c] *i.e.*, his associate in immorality.

[d] The ocular defect again; see § 9.

[e] C. endeavours to explain his "retirement" as an act of patriotism, because he knew that Caesar and Pompey were supporting Clodius, and feared the outbreak of serious disturbances.

his label of consul. For since my whole cause was the
cause of a consul and a senator, it was a consul and
a senate whose help I needed; and of these two
resources the former was by you two consuls even
turned to my destruction, and the other torn root and
branch from the constitution. And yet, if you ask
what determined my conduct, I should not have
retired, and my country would herself have retained
me in her embrace, if I had had to contend merely
with that funeral-gladiator[a] and with you and your
colleague. For wholly different was the case of the 20
heroic Quintus Metellus,[b] a citizen who in my judge-
ment was equal with the immortal gods in glory;
who thought fit to retire and so avoid an armed con-
flict with the gallant Gaius Marius—consul, nay, six
times consul—and his invincible legions. No such
glorious contest lay before me. Was it with a Gaius
Marius or some peer of his that I should have con-
tended? Was it not rather with, on the one hand, a
bearded Epicurean, and, on the other hand, with
a consul who was a mere link-boy[c] of Catiline's? God
knows it was not from your eyebrow[d] or your col-
league's castanets that I fled, nor was I so craven,
after guiding the ship of state through dread wave
and whirlwind and anchoring her safe in port, as to
flinch before the cloudlet of your frown or your col-
league's tainted breath. Other gales I saw upon 21
the horizon; other squalls I anticipated; other
tempests threatened before which I did not retire,
but made myself a solitary sacrifice to ensure the
safety of all.[e]

Itaque discessu tum meo omnes illi nefarii gladii de manibus crudelissimis exciderunt, cum quidem tu, o vaecors et amens, cum omnes boni abditi inclusique maererent, templa gemerent, tecta ipsa urbis lugerent, complexus es funestum illud animal ex nefariis stupris, ex civili cruore, ex omni scelerum importunitate conceptum, atque eodem in templo, eodem loci vestigio et temporis, arbitria non mei solum, sed patriae funeris abstulisti.

22 X. Quid ego illorum dierum epulas, quid laetitiam et gratulationem tuam, quid cum tuis sordidissimis gregibus intemperantissimas perpotationes praedicem? Quis te illis diebus sobrium, quis agentem aliquid quod esset libero dignum, quis denique in publico vidit? Cum conlegae tui domus cantu et cymbalis personaret cumque ipse nudus in convivio saltaret: in quo cum suum illum saltatorium versaret orbem, ne tum quidem fortunae rotam pertimescebat. Hic autem non tam concinnus helluo nec tam musicus iacebat in suorum Graecorum foetore atque vino, quod quidem istius in illis rei publicae luctibus quasi aliquod Lapitharum aut Centaurorum convivium ferebatur; in quo nemo potest dicere utrum iste plus biberit an vomuerit an effuderit.

23 Tune etiam mentionem facies consulatus aut te fuisse Romae consulem dicere audebis? Quid? tu in lictoribus et praetexta esse consulatum putas?

[a] *Arbitria funeris*, so called because fixed by assessors (*arbitri*) according to the rank and wealth of the deceased. C. here means that the expenses of the state's "funeral" were refunded to Piso in the form of plunder from his house.

This was the reason why at my departure all those unholy swords fell from the hands of their pitiless wielders, while you, infatuated lunatic that you are, when all true men shut themselves away with their grief, when the very temples and buildings of the city groaned and lamented, took to your heart that pestilential monster compounded of unspeakable lust, civil bloodshed, and every outrageous wickedness; and in the same temple, at precisely the same point of place and time, you pocketed the expenses[a] not of my funeral alone, but of that of your country.

X. What need for me to publish abroad the 22
banqueting that filled those days, your gleeful self-congratulation, and your unbridled potations with your crew of infamous associates? Who in those days ever saw you sober, or engaged in any activity befitting a free man? Who indeed ever saw you in public at all? When the house of your colleague rang with song and cymbals, and when he himself danced naked at a feast at which, when executing those whirling gyrations of his, even then he felt no fear of Fortune and her wheel. Piso meanwhile, neither so elegant nor so artistic a debauchee, lolled amid his tipsy and malodorous Greeks, while, amidst all the miseries of his country, his colleague's feast was proclaimed a sort of banquet of Lapiths and Centaurs; and in it none can say whether that wretch spent more time in drinking or in vomiting or in excreting his potations.

And will you dare to allude to your consulship, or 23
venture to assert that you were consul at Rome? Think you that the consulship consists in lictors and the bordered gown—emblems which you, when you

quae ornamenta etiam in Sex. Clodio te consule esse voluisti, his tu, Clodiane canis, insignibus consulatum declarari putas? Animo consulem esse oportet, consilio, fide, gravitate, vigilantia, cura, toto denique munere consulatus omni officio tuendo, maximeque, id quod vis nominis ipsa praescribit, rei publicae consulendo. An ego consulem esse putem qui senatum esse in re publica non putavit, et sine eo consilio consulem numerem, sine quo Romae ne reges quidem esse potuerunt? Etenim illa iam omitto; cum servorum dilectus haberetur in foro, arma in templum Castoris luce et palam comportarentur, id autem templum, sublato aditu, revolsis gradibus, a coniuratorum reliquiis atque a Catilinae praevaricatore quondam, tum ultore, armis teneretur; cum equites Romani relegarentur, viri boni lapidibus e foro pellerentur, senatui non solum iuvare rem publicam, sed ne lugere quidem liceret; cum civis is, quem hic ordo adsentiente Italia cunctisque gentibus conservatorem patriae iudicarat, nullo iudicio, nulla lege, nullo more, servitio atque armis pelleretur, non dicam auxilio vestro, quod vere licet dicere, sed certe silentio, tum Romae fuisse consules quisquam ex-
24 istimabit? Qui latrones igitur, si quidem vos consules? Qui praedones, qui hostes, qui proditores, qui tyranni nominabuntur?

XI. Magnum nomen est, magna species, magna

[a] See note on *Pro Milone* § 33: Sextus Clodius must have been *magister collegii* at the Compitalicia.

[b] Clodius had prosecuted Catiline for extortion and had, C. alleges, corruptly connived (*praevaricare*) at his acquittal.

were consul, wished to belong also to Sextus Clodius[a]? And do you think that the consulship is attested by a dog that whines at the heels of a Clodius? A consul should declare himself such in spirit, in discretion, in honour, in dignity, in vigilance, in devotion, in the careful performance of the functions and duties of his office, and above all—as the signification of his title indicates—in consulting the interests of the commonwealth. Or am I to count him a consul who thought that the senate had no place in the constitution? And am I to count him a consul without reference to that great Council without whom even kings could not have existed at Rome? I will say no more on this point; but, when levies of slaves were being held in the forum, when arms in open daylight were being conveyed into the temple of Castor, and when that temple, its doors removed and its steps torn up, was occupied by the remnant of the conspirators and by him[b] who had once been Catiline's collusive prosecutor but was now his avenger; when knights of Rome were being banished, patriots pelted with stones from the forum, and when the senate was not permitted even to mourn the constitution, let alone defend it; when the citizen whom this order, with the assent of Italy and all nations, had pronounced the saviour of his country was being driven forth without trial, without law, without precedent, by the hands of armed slaves—I will not say with your assistance (though I might truly say that) but at least without protest from you—at such a time will anyone pronounce that consuls existed at Rome? Who, pray, are robbers, if you are consuls? Who are to be 24
called pirates, who enemies, who traitors, who tyrants?

XI. Great is the name, great the dignity, great

dignitas, magna maiestas consulis: non capiunt angustiae pectoris tui, non recipit levitas ista, non egestas animi; non infirmitas ingenii sustinet, non insolentia rerum secundarum tantam personam, tam gravem, tam severam. Seplasia me hercule, ut dici audiebam, te ut primum aspexit, Campanum consulem repudiavit. Audierat Decios Magios et de Taurea illo Vibellio aliquid acceperat: in quibus si moderatio illa, quae in nostris solet esse consulibus, non fuit, at fuit pompa, fuit species, fuit incessus
25 saltem Seplasia dignus et Capua. Gabinium denique si vidissent IIvirum vestri illi unguentarii, citius agnovissent: erant illi compti capilli et madentes cincinnorum fimbriae et fluentes purpurissataeque[1] buccae, dignae Capua, sed illa vetere: nam haec quidem, quae nunc est, splendidissimorum hominum, fortissimorum virorum, optimorum civium mihique amicissimorum multitudine redundat; quorum Capuae te praetextatum nemo aspexit qui non gemeret desiderio mei, cuius consilio cum universam rem publicam tum illam ipsam urbem meminerant esse servatam. Me inaurata statua donarant; me patronum unum asciverant; a me se habere vitam, fortunas, liberos arbitrabantur; me et praesentem contra latrocinium tuum suis decretis legatisque de-

[1] purpurissataeque *coni. Halm*: pulsatae *MSS.*

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[a] A square in Capua, where dealers in unguents did business. C. Piso was *duumvir* (one of the two chief magistrates) in the colony of Capua. The *duumviri* were analogous to the Roman consuls. The meaning is: even as a *Campanian* consul you were contemptible.

[b] Decius Magius and Taurea Vibellius were probably Capuans who had held high municipal rank.

the honour, great the majesty of a consul. That greatness your narrow mind cannot comprehend nor your shallow nature recognize; your spiritless heart and feeble understanding cannot grasp it; nor can you, with your inexperience of prosperity, appreciate a rôle so eminent, so dignified, so august. In truth I have heard it reported that no sooner had the Seplasia[a] seen you than it scouted you as a Campanian consul. It had heard men like Decius Magius,[b] it had learned something of the great Taurea Vibellius[b]; and if those men were not marked by all that self-restraint which ordinarily characterizes our consuls, at least there was a presence about them, a magnificence, a lordly gait that was worthy of the Seplasia and of Capua. In fact, if your 25
perfume-sellers who do business in that locality had seen Gabinius as their duumvir, they would have been more ready to recognize *him*. *He* at least had braided hair, a curled and well-oiled fringe, cheeks moist with unguent and bright with rouge, that were worthy of Capua—the Capua, I mean, of the bad old days, for the Capua of to-day is crowded with any number of illustrious characters, gallant gentlemen, and excellent patriots who are devoted to myself; and not one of these ever saw you at Capua in your bordered gown without sighs of regret for me, remembering that it was by my counsels that the commonwealth in general and their own city in particular had been preserved. Upon me they had bestowed a gilded statue; I had been chosen as their especial patron; they accounted their lives, their fortunes, and their children as a gift from me; while I was with them they had defended me by their decrees and their delegates against your brigandage,

fenderant et absentem principe Cn. Pompeio referente et de corpore rei publicae tuorum scelerum tela
26 revellente revocarant. An tum eras consul, cum in Palatio mea domus ardebat, non casu aliquo, sed ignibus iniectis instigante te? Ecquod in hac urbe maius umquam incendium fuit cui non consul subvenerit? At tu illo ipso tempore apud socrum tuam prope a meis aedibus, cuius domum ad meam exhauriendam patefeceras, sedebas, non exstinctor, sed auctor incendii, et ardentis faces furiis Clodianis paene ipse consul ministrabas.

XII. An vero reliquo tempore consulem te quisquam duxit? Quisquam tibi paruit? Quisquam in curiam venienti adsurrexit? Quisquam consulenti respondendum putavit? Numerandus est ille annus denique in re publica, cum obmutuisset senatus, iudicia conticuissent, maererent boni, vis latrocinii vestri tota urbe volitaret neque civis unus ex civitate, sed ipsa civitas tuo et Gabinii sceleri furorique cessisset?

27 Ac ne tum quidem emersisti, lutulente Caesonine, ex miserrimis naturae tuae sordibus, cum experrecta tandem virtus clarissimi viri celeriter et verum amicum et optime meritum civem et suum pristinum morem requisivit; neque est ille vir passus in ea re publica, quam ipse decorarat atque auxerat, diutius

[a] Pompey.

[b] C. contemptuously addresses Piso by the name of his Gallic maternal grandfather.

[c] Pompey, who is also referred to in the following sentence and in 29 below. Pompey was drawn from his retirement by Clodius's attacks upon himself.

and after I had left them they had recalled me, when our great statesman Gnaeus Pompeius brought in a motion to that effect and so wrenched from the vitals of our commonwealth the dagger which your wickedness had planted in it. Consul were you—at that 26
time when my house on the Palatine was ablaze, as a result not of any accident but of brands laid to it at your instigation? What important conflagration ever took place in this city without the consul coming to the rescue? But you at that very time were sitting close to my house in that of your mother-in-law, which you had thrown open to receive the contents of my own, not to quench but to create the flames, and you, yes, you our consul all but handed the blazing brands to Clodius and his band of Furies.

XII. Or again did anyone throughout all the days remaining consider you, did any obey you, as consul? Did any rise to you as you entered the senate-house? Did any deign to answer you when you asked his advice? In fact, can we count that year at all in the annals of our state, when the senate was sunk in dumbness and the courts in silence, when true men were downcast, when the violence of your banditti ranged over the whole city, and when not one citizen[a] alone had retired from society, but society itself had retired before the insensate wickedness of yourself and Gabinius?

Nor did you at length, O filthy Caesoninus,[b] struggle 27
out of that miserable slough of degradation which is yourself, even when the courage of an illustrious gentleman,[c] aroused at last, made haste to recall at once a true friend and a deserving citizen, and his own erstwhile principles; nor would that great man any longer suffer the taint of your wickedness to abide in

vestrorum scelerum pestem morari; cum tamen ille, qualiscumque est, qui est ab uno te improbitate victus, Gabinius, conlegit ipse se, vix, sed conlegit tamen et contra suum Clodium primum simulate, deinde non libenter, ad extremum tamen pro Cn. Pompeio vere vehementerque pugnavit; quo quidem in spectaculo mira populi Romani aequitas erat: uter eorum perisset, tamquam lanista, in eius modi pari lucrum fieri putabat, immortalem vero quaestum, si uterque
28 cecidisset. Sed ille tamen agebat aliquid: tuebatur auctoritatem summi viri; erat ipse sceleratus, erat gladiator: cum scelerato tamen et cum pari gladiatore pugnabat. Tu, scilicet homo religiosus et sanctus, foedus, quod meo sanguine in pactione provinciarum iceras, frangere noluisti; caverat enim sibi ille sororius adulter, ut, si tibi provinciam, si exercitum, si pecuniam ereptam ex rei publicae visceribus dedisset, omnium suorum scelerum socium te adiutoremque praeberes. Itaque in illo tumultu fracti fasces, ictus ipse, cotidie tela, lapides, fugae; deprehensus denique cum ferro ad senatum is, quem ad Cn. Pompeium interimendum conlocatum fuisse constabat.

29 XIII. Ecquis audivit non modo actionem aliquam aut relationem, sed vocem omnino aut querellam tuam? Consulem tune te fuisse putas, cuius in im-

the commonwealth, whose glory and greatness he had himself enhanced; even when in spite of all Gabinius, though such a man as he is, though surpassed by you alone in villainy, *did* pull himself together—with difficulty, I allow, yet he did so—and at first hypocritically, then reluctantly, and finally in truth and good earnest, fought in support of Gnaeus Pompeius against his own dear Clodius—a spectacle which the Roman people viewed with marvellous impartiality; for it thought, like a trainer, that it stood to gain whichever of so vile a pair should perish, but that if both should fall, that indeed would be a godsend.
But still Gabinius did achieve something. He up- 28
held the authority of a great man. He was a ruffian, he was a gladiator; yet he fought with a ruffian and a gladiator like himself. You, conscientious and upright gentleman that you were, were reluctant to break the covenant you had sealed with my blood in reference to the allotment of provinces. For that adulterer with his own sister had stipulated that, should he give you a province, an army, and funds torn from the vitals of the state, you should lend yourself to be the partner and assistant in all his wickednesses. So it came about that in the rioting that ensued the fasces were broken, you yourself were wounded, and weapons, stonings, and flights were of daily occurrence; till at last arrest was made close to the senate-house of a man with a sword on his person, who was discovered to have been posted there to assassinate Gnaeus Pompeius.

XIII. And did anyone hear of any report, any 29
motion made by you? Nay, did anyone hear a single syllable of protest from you? Was it a consul that you think you were at that time, when during your

perio, qui rem publicam senatus auctoritate servarat, qui omnis omnium gentium partis tribus triumphis devinxerat, is se in publico, is denique in Italia[1] tuto statuit esse non posse? An tum eratis consules, cum, quacumque de re verbum facere coeperatis aut referre ad senatum, cunctus ordo reclamabat ostendebatque nihil esse vos acturos, nisi prius de me rettulissetis? Cum vos quamquam foedere obstricti tenebamini, tamen cupere vos diceretis, sed lege

30 impediri? Quae lex privatis hominibus esse lex non videbatur, inusta per servos, incisa per vim, imposita per latrocinium, sublato senatu, pulsis e foro bonis omnibus, capta re publica, contra omnis leges nullo scripta more: hanc qui se metuere dicerent, hos consules non dicam animi hominum, sed fasti ulli ferre possunt? Nam si illam legem non putabatis, quae erat contra omnis leges indemnati civis atque integri capitis bonorumque tribunicia proscriptio, ac tamen obstricti pactione tenebamini, quis vos non modo consules, sed liberos fuisse putet, quorum mens fuerit oppressa praemio, lingua astricta mercede? Sin illam vos soli legem putabatis, quisquam vos consules tunc fuisse aut nunc esse consularis putet, qui eius civitatis, in qua in principum numero voltis

[1] is denique in Italia, MSS. *place after* servarat; *Clark transfers as above.*

[a] The *Lex Clodia* against C.

[b] In which the record of the year was headed by the consuls' names.

period of office the man who had preserved the constitution by the authority of the senate, and who had united all sections of all communities in three triumphs, had made up his mind that he could not safely appear in public or even in Italy? Was it consuls you were when, on whatsoever matter you began to speak or to submit a motion in the senate, the whole body shouted you down, and made it clear that you would accomplish nothing until you had brought in a motion dealing with myself? and when you, though bound hand and foot by your engagement, alleged that you were willing to bring such a motion, but that you were hindered by the law? This law[a] was 30

thought by private individuals to be no law at all; it had been forged by means of slaves, engraved by violence, forced upon the state by brigandage, when the senate had been abolished, all true men driven from the forum, and the constitution taken by storm. It was a law drawn up in contravention of all existing laws and in defiance of precedent, and can the men who asserted that they stood in dread of it be tolerated as consuls, I will not say by the feelings of men, but by any calendar[b]? For even though you did not deem that to be a law, which was in reality a tribune's proscription, contrary to all law, of an uncondemned citizen, of his unimpugned civic rights, and of his property, but were merely held bound to your agreement, who could deem you free men, let alone consuls, when your freedom of will was fettered by a bribe and your tongue silenced by a wage? But if, on the other hand, you, and none but you, did consider that to be a law, can anyone think that you were consuls then or that you are consulars to-day, seeing that you refuse to recognize the laws,

esse, non leges, non instituta, non mores, non iura
31 noritis? An cum proficiscebamini paludati in provincias vel emptas vel ereptas, consules vos quisquam putavit? Itaque, credo, si minus frequentia sua vestrum egressum ornando atque celebrando, at ominibus saltem bonis, ut consules, non tristissimis, ut hostis ac proditores, prosequebantur.

XIV. Tune etiam, immanissimum ac foedissimum monstrum, ausus es meum discessum illum, testem sceleris et crudelitatis tuae, *in* maledicti et contumeliae loco ponere? Quo quidem tempore cepi, patres conscripti, fructum immortalem vestri in me et amoris et iudicii; qui non admurmuratione, sed voce et clamore abiecti hominis ac semivivi furorem
32 petulantiamque fregistis. Tu luctum senatus, tu desiderium equestris ordinis, tu squalorem Italiae, tu curiae taciturnitatem annuam, tu silentium perpetuum iudiciorum ac fori, tu cetera illa in maledicti loco pones, quae meus discessus rei publicae volnera inflixit? Qui si calamitosissimus fuisset, tamen misericordia dignior quam contumelia et cum gloria potius esse coniunctus quam cum probro putaretur, atque ille dolor meus dum taxat, vestrum quidem scelus ac dedecus haberetur. Cum vero—forsitan hoc, quod dicturus sum, mirabile auditu esse videatur,

[a] This sentence is ironical, as *credo* usually marks a sentence to be.

the usages, the traditions, and the rights of the state among whose statesmen you would fain be counted? Or again, when you were going forth in 31
your generals' cloaks to the provinces you had purchased or more truly stolen, did anyone consider you to be consuls? And so, methinks, even though men did fail to turn out in their thousands to cheer and grace your departure, at least their thoughts went with you with favouring omens as if you were consuls —not with sinister omens, as if you were enemies or traitors.[a]

XIV. And did you even, foul and inhuman monster that you are, dare to treat my departure—proof of your own wicked cruelty—as matter for slander and abuse? Nay, but in that very moment, Conscript Fathers, I was marvellously comforted by your intimation of affection and approval of me, when not by mere murmurs of support, but by loud vociferations, you crushed the headstrong and infatuated mood of a despicable fellow who was at his final gasp.
Are *you* to treat the mourning of the senate, *you* the 32
yearning of the equestrian order, *you* the grief-stricken disarray of Italy, the year-long dumbness of the senate-house, the unbroken silence of the courts and of the forum as matter for abuse—as well as all the other wounds which my departure inflicted on the state? Even had that brought with it the most utter ruin, still it would have called for compassion rather than contumely, it would have been associated in men's thoughts with my reputation rather than my reprobation, and though the grief indeed would have been deemed my own, yours would have been held to be the crime and the dishonour. But since—what I am about to say may startle you, but

sed certe id dicam, quod sentio,—cum tantis a vobis, patres conscripti, beneficiis adfectus sim tantisque honoribus, non modo illam calamitatem esse non duco, sed, si quid mihi potest a re publica esse seiunctum, quod vix potest, privatim ad meum nomen augendum, optandam dico mihi fuisse illam expeten-
33 damque fortunam; atque ut tuum laetissimum diem cum tristissimo meo conferam, utrum tandem bono viro et sapienti optabilius putas sic exire e patria, ut omnes sui cives salutem, incolumitatem, reditum precentur, quod mihi accidit, an, quod tibi proficiscenti evenit, ut omnes exsecrarentur, male precarentur, unam tibi illam viam et perpetuam esse vellent? Mihi, me dius fidius, in tanto omnium mortalium odio, iusto praesertim et debito, quaevis fuga quam ulla provincia esset optatior.

XV. Sed perge porro. Nam si illud meum turbulentissimum tempus tuo tranquillissimo praestat, quid conferam reliqua, quae in te dedecoris plena fuerunt,
34 in me dignitatis? Me Kalendis Ianuariis, qui dies post obitum occasumque vestrum rei publicae primus inluxit, frequentissimus senatus, concursu Italiae, referente clarissimo ac fortissimo viro, P. Lentulo, consentiente atque una voce revocavit; me idem senatus exteris nationibus, me legatis magistrati-

[a] This is a regular curse; a form of it is quoted by Nonius: "egredere atque utinam istuc perpetuum itiner sit tibi." Cf. Catullus v. 6.

at least I shall say what I think—since I have been the recipient at your hands, Conscript Fathers, of kindnesses so great and distinctions so proud, so far am I from deeming that incident to have spelt my ruin, that, could I have any thought unconnected with the state (which is hardly possible), I should consider that, for the enhancing of my own personal reputation, it was a chance most devoutly to be
desired. And, Piso—if I may compare your happiest 33
with my most sorrowful of days—which do you think the more to be desired by a good and wise man? that his departure from his country should be attended by the prayers of all his fellow-citizens for his welfare, his safety, his return, which was my own case; or, as was the case with you as you left the city, that all should execrate you and invoke disaster upon you, praying that that journey should have no end and should be your last?[a] For my part I swear that were I to find myself the object of hatred so universal, above all of a just and merited hatred, the foulest banishment would be more desirable in my eyes than the fairest province.

XV. But to proceed. If the season of my roughest weather is better than your day of halcyon calm, what need for me to compare the sequel of each—for you so full of disgrace, for me so full of honour?
I, on the first of January, the day which marked the 34
first dawn for our constitution after your setting and downfall, by a crowded senate, amid the gathered throngs of Italy who spoke with a single voice from a single heart, was recalled on the motion of the gallant and illustrious Publius Lentulus. I, by that same senate, was officially and by letters of the consuls commended to foreign nations and to our

busque nostris auctoritate sua, consularibus litteris, non, ut tu Insuber dicere ausus es, orbatum patria, sed, ut senatus illo ipso tempore appellavit, civem servatoremque rei publicae commendavit; ad meam unius hominis salutem senatus auxilium omnium civium cuncta ex Italia, qui rem publicam salvam esse vellent, consulis voce et litteris implorandum putavit; mei capitis conservandi causa Romam uno tempore quasi signo dato Italia tota convenit; de mea salute P. Lentuli, praestantissimi viri atque optimi consulis, Cn. Pompeii, clarissimi atque invictissimi civis, ceterorumque principum civitatis celeberrimae et gratissi-
35 mae contiones fuerunt; de me senatus ita decrevit Cn. Pompeio auctore et eius sententiae principe, ut, si quis impedisset reditum meum, in hostium numero putaretur, eisque verbis ea de me senatus auctoritas declarata est, ut nemini sit triumphus honorificentius quam mihi salus restitutioque perscripta; de me cum omnes magistratus promulgassent praeter unum praetorem, a quo non fuit postulandum, fratrem inimici mei, praeterque duos de lapide emptos tribunos, legem comitiis centuriatis tulit P. Lentulus consul de conlegae Q. Metelli sententia, quem mecum eadem res publica, quae in tribunatu eius diiunxerat, in consulatu virtute optimi atque iustissimi viri
36 sapientiaque coniunxit. Quae lex quem ad modum

[a] A reference to P.'s grandfather; see Frag. 4.
[b] Appius Claudius.
[c] In 62 he had attacked C. for his conduct in regard to Catiline's conspiracy.
[d] Pompey.

legates and magistrates, not, as you the Insubrian[a] have dared to assert, as one deprived of his country, but, as the senate at that very time styled me, as a citizen and the preserver of the constitution. For my restoration, and for mine alone, the senate thought fit by the consul's voice and by letters to entreat the co-operation of all citizens from all Italy who had the welfare of the state at heart. To preserve my rights the whole of Italy, as at a given signal, flocked on one day to Rome. My restoration was made the subject of harangues delivered to numerous and applauding throngs by our excellent and heroic consul Publius Lentulus, by the illustrious and invincible citizen Gnaeus Pompeius, and by the other leading men of the city. Upon me, at the 35
initiative and on the motion of Gnaeus Pompeius, the senate decreed that any who should hinder my return should be counted among his country's foes, and the official pronouncement of the senate was delivered upon me in such terms that none ever had a triumph decreed for him in more laudatory language than was my restoration and restitution for me. And when the measure concerning me had been promulgated by all the magistrates save a single praetor,[b] from whom it was scarce to be expected since he was the brother of my enemy, and two tribunes of the plebs who had been bought like marketed slaves, then Publius Lentulus the consul brought a law before the Assembly of the Centuries, upon the proposal of his colleague Quintus Metellus, who, just as in his tribunate[c] he had been alienated from me by political affairs, was by political affairs reunited to me in his consulship thanks to the courage and wisdom of one excellent and upright gentleman.[d] 36

accepta sit quid me attinet dicere? Ex vobis audio nemini civi ullam quo minus adesset satis iustam excusationem esse visam; nullis comitiis umquam neque multitudinem hominum tantam neque splendorem fuisse; hoc certe video, quod indicant tabulae publicae, vos rogatores, vos diribitores, vos custodes fuisse tabellarum, et, quod in honoribus vestrorum propinquorum non facitis vel aetatis excusatione vel honoris, id in salute mea nullo rogante vos vestra sponte fecistis.

37 XVI. Confer te nunc, Epicure noster, ex hara producte, non ex schola, confer, si audes, absentiam tuam cum mea: obtinuisti provinciam consularem finibus eis, quos lex cupiditatis tuae, non quos lex generi tui pepigerat; nam lege Caesaris iustissima atque optima populi liberi plane et vere liberi: lege autem ea, quam nemo legem praeter te et conlegam tuum putavit, omnis erat tibi Achaia, Thessalia, Athenae, cuncta Graecia addicta: habebas exercitum tantum, quantum tibi non senatus aut populus Romanus dederat, sed quantum tua libido conscripserat; aerarium
38 exhauseras. Quas res gessisti imperio, exercitu, provincia consulari? Quas res gesserit, quaero! Qui ut venit, statim—nondum commemoro rapinas, non exactas pecunias, non captas, non imperatas, non necis sociorum, non caedis hospitum, non perfidiam,

[a] *Cf. Post Red. in Sen.* 28 "quando illa dignitate rogatores, diribitores custodesque vidistis?"
[b] *Cf.* Hor. *Ep.* i. 4. 16 "Epicuri de grege porcum."
[c] Caesar's *Lex de Provinciis.*

And what concern of mine is it to tell you how that law was received? I hear from yourselves that no pretext for absence offered by any citizen was deemed admissible, and that no assembly was ever filled with a more numerous or distinguished gathering; while I see indubitably for myself—what indeed the public records prove—that you were the collectors, you the tellers, and you the custodians of the voting-tablets; while you of your own free will and at the solicitation of none did for me in my restoration what you make age or rank an excuse for not doing when the honours of even your own kith and kin are at stake.[a]

XVI. Compare now, my worthy Epicurus, though 37
product of the sty[b] rather than the school—compare, if you dare, your absence with mine. You obtained a consular province under the limitations which the law of your own covetousness, not the law of your daughter's husband,[c] had enjoined. For by that just and admirable law of Caesar free peoples were really and truly free; but by that law which none save you and your colleague deemed a law all Achaea, Thessaly, Athens—in fact the whole of Greece—was put in bondage to you. You had a great army, not assigned to you by the senate or the people of Rome, but raised by your own licentiousness; you had drained the treasury. And what 38
glorious exploits did you achieve in this command, with this army, in this consular province! What did he achieve, do I ask? Why, no sooner had he arrived—I speak not yet of his acts of robbery, the money that he extorted, seized, or requisitioned, nor do I lay bare his slaughter of our allies, the murders of his guests, his perfidy, his barbarity, his

non immanitatem, non scelera praedico: mox, si videbitur, ut cum fure, ut cum sacrilego, ut cum sicario disputabo; nunc meam spoliatam fortunam conferam cum florente fortuna imperatoris—quis umquam provinciam cum exercitu obtinuit qui nullas ad senatum litteras miserit? Tantam vero provinciam cum tanto exercitu, Macedoniam praesertim, quam tantae barbarorum gentes attingunt, ut semper Macedonicis imperatoribus idem fines provinciae fuerint qui gladiorum atque pilorum; ex qua aliquot praetorio imperio, consulari quidem nemo rediit, qui incolumis fuerit, quin triumpharit. Est hoc novum: multo illud magis: appellatus est hic volturius illius provinciae, si dis placet, imperator.

39 XVII. Ne tum quidem, Paule noster, tabellas cum laurea Romam mittere audebas? "Misi," inquit. Quis umquam recitavit? Quis ut recitarentur postulavit? Nihil enim mea iam refert, utrum tu, conscientia oppressus scelerum tuorum nihil umquam ausus sis scribere ad eum ordinem, quem despexeras, quem adflixeras, quem deleveras, an amici tui tabellas abdiderint idemque silentio suo temeritatem atque audaciam tuam condemnarint. Atque haud scio an malim te videri nullo pudore fuisse in litteris mittendis an amicos tuos plus habuisse pudoris et consilii quam

[a] The conqueror of Macedonia.
[b] *i.e.*, announcing a victory.

heinous wickedness; later, if occasion serves, I will deal with him as thief, as temple-robber, as assassin; for the present, however, I am but comparing my own desolated fortunes with those of a commander in the day of his pride. Who ever held control of a province and its forces, and sent no single dispatch to the senate? above all, when that province was so important and equipped with forces so numerous as Macedonia, which has such formidable barbarian tribes upon its borders that our Macedonian commanders have always acted as if the limits of their province were only those of their swords and javelins; a province too on their return from which some even of praetorian rank have held a triumph, while no one of consular rank who has returned safe and sound has been without his triumph. Here is one strange novelty; but one more strange remains behind. This vulture of his province received the title (save the mark!) of "Imperator"!

XVII. And did you even then, O second Paulus,[a] 39
not deign to send laurelled[b] dispatches to Rome? "But I did," says he. Who ever read them? Who ever demanded that they should be read? For it makes no difference to my present argument whether it was that you were so conscience-stricken by your crimes that you could not bring yourself to write to the body which you despised, which you had outraged, and which you had nullified, or whether your friends concealed your dispatches and by their silence passed their condemnation upon your headstrong effrontery; and indeed I almost think I should prefer it to be supposed that you were sufficiently lost to shame to send dispatches, while your friends showed greater tact as well as sense of shame,

aut te videri pudentiorem fuisse quam soles aut tuum factum non esse condemnatum iudicio amicorum.

40 Quod si non tuis nefariis in hunc ordinem contumeliis in perpetuum tibi curiam praeclusisses, quid tandem erat actum aut gestum in tua provincia de quo ad senatum cum gratulatione aliqua scribi abs te oporteret? Vexatio Macedoniae? An oppidorum turpis amissio? An sociorum direptio? An agrorum depopulatio? An munitio Thessalonicae? An obsessio militaris viae? An exercitus nostri interitus ferro, fame, frigore, pestilentia? Tu vero, qui ad senatum nihil scripseris, ut in urbe nequior es inventus quam Gabinius, sic in provincia paulo tamen quam
41 ille demissior; nam ille gurges atque helluo, natus abdomini suo, non laudi et gloriae, cum equites Romanos in provincia, cum publicanos nobiscum et voluntate et dignitate coniunctos omnis fortunis, multos fama vitaque privasset, cum egisset aliud nihil illo exercitu nisi ut urbis depopularetur, agros vastaret, exhauriret domos, ausus est—quid enim ille non audeat?—a senatu supplicationem per litteras postulare.

XVIII. O di immortales! tune etiam atque adeo vos, geminae voragines scopulique rei publicae, vos meam fortunam deprimitis? Vestram extollitis? Cum de me ea senatus consulta absente facta sint,

[a] *i.e.*, Thessalonica had to be fortified to protect it from barbarian inroads. The road is the *Via Egnatia*, which led from the Adriatic to the East.

than that it should appear either that you acted under a sense of shame unusual with you, or that your conduct failed to be visited with the disapprobation of your friends.

But even had you not by your unspeakable insults 40
to this order shut its doors against yourself for evermore, what, pray, did you accomplish or achieve in that province about which you could fitly write to the senate with any words of congratulation? The harrying of Macedonia, perhaps, or the shameful surrender of towns, or the plundering of the allies, or the devastation of the farms, or the fortifying of Thessalonica, or the blocking of the military road,[a] or the casualties which our army suffered from the sword, famine, frost, and pestilence? You assuredly, in writing nothing to the senate, just as at Rome you showed yourself more worthless than Gabinius, so in the province have been none the less just a little more humble than he. For that whirlpool, that 41
wastrel born for his belly and not for virtue or renown, when he had deprived knights and tax-farmers of Rome in his province—men closely identified with ourselves in purpose and position—in all cases of their fortunes and in many cases of their honour and their lives; when he had done nothing else with his army save plunder cities, lay waste fields, and denude houses of their contents, dared—for what will he not dare?—to send a dispatch to the senate demanding a thanksgiving!

XVIII. And do *you*, Heaven save us!—or rather do the pair of you, gulfs and rocks for the wrecking of the state, decry my career, while you dilate upon your own?—when I in my absence was made the subject of such senatorial decrees, such

eae contiones habitae, is motus fuerit municipiorum et coloniarum omnium, ea decreta publicanorum, ea conlegiorum, ea denique generum ordinumque omnium, quae non modo ego optare numquam auderem, sed cogitare non possem, vos autem sempiternas
42 foedissimae turpitudinis notas subieritis? An ego, si te et Gabinium cruci suffixos viderem, maiore adficerer laetitia ex corporis vestri laceratione, quam adficior ex famae? Nullum est supplicium putandum, quo adfici casu aliquo etiam boni viri fortesque possunt; atque hoc quidem etiam isti tui dicunt voluptarii Graeci, quos utinam ita audires, ut erant audiendi; numquam te in tot flagitia ingurgitasses; verum audis in praesepibus, audis in stupris, audis in cibo et vino—sed dicunt isti ipsi, qui mala dolore, bona voluptate definiunt, sapientem, etiam si in Phalaridis tauro inclusus succensis ignibus torreatur, dicturum tamen suave illud esse seque ne tantulum quidem commoveri: tantam virtutis vim esse voluerunt, ut non posset esse umquam vir bonus non beatus. Quae est
43 igitur poena? Quod supplicium? Id mea sententia, quod accidere nemini potest nisi nocenti, suscepta fraus, impedita et oppressa mens, bonorum odium, nota inusta senatus, amissio dignitatis. XIX. Nec mihi ille M. Regulus, quem Karthaginienses resectis palpebris inligatum in machina vigilando necaverunt, supplicio videtur adfectus, nec C. Marius, quem Italia

[a] *i.e.*, the Epicureans.

public harangues, such agitations in all the municipal towns and colonies, and such resolutions of the tax-farmers, the guilds, and every section and order of society as I could never have imagined, let alone dared to dream of, while you and your colleague were marked with an indelible stigma of the deepest
ignominy? Or if I were to see you and Gabinius 42
affixed to a cross, should I feel a greater joy at the laceration of your bodies than I feel now at that of your reputations? For that is not to be reckoned a punishment at all which by some mischance good and brave men may find inflicted upon themselves; and this at least is what your pleasure-advocating Greeks [a] assert, to whom had you but listened in the right spirit, never would you have drowned yourself in such a vortex of enormity; but you listen to them only in your taverns and your brothels, your gluttony and your tipsy revels—well, these same philosophers who define evil as pain and good as pleasure assert that the wise man, even were he to be shut up in the bull of Phalaris and roasted above a fire, would assert that he was happy and felt perfect calm of mind. What they meant was that the power of virtue is so great that the good man can never be otherwise than happy. What then is retribution? And what is punishment? It
is something which, in my opinion, can happen to 43
none unless he be guilty—the burden of sin, the trouble and oppression of mind, the hatred of honest men, the brand of the senate's condemnation, the loss of dignity. XIX. To my mind the great Marcus Regulus, whose eyelids the Carthaginians cut off, whom they bound to a machine and did to death by sleeplessness, suffered no punishment; no more did

servata ab illo demersum in Minturnensium paludibus, Africa devicta ab eodem expulsum et naufragum vidit: fortunae enim ista tela sunt, non culpae; supplicium autem est poena peccati. Neque vero ego, si umquam vobis mala precarer, quod saepe feci—in quo di immortales meas preces audiverunt,—morbum aut mortem aut cruciatum precarer. Thyestea est ista exsecratio poëtae volgi animos, non sapientium moventis, ut tu "naufragio expulsus, uspiam

saxis fixus asperis, evisceratus

latere penderes," ut ait ille

saxa spargens tabo, sanie et sanguine atro.

44 Non ferrem omnino moleste, si ita accidisset; sed id tamen esset humanum. M. Marcellus, qui ter consul fuit, summa virtute, pietate, gloria militari, periit in mari: qui tamen ob virtutem in gloria et laude vivit: in fortuna quadam est illa mors, non in poena putanda. Quae est igitur poena? Quod supplicium? Quae saxa? Quae cruces? Esse duo duces in provinciis populi Romani, habere exercitus, appellari imperatores; horum alterum sic fuisse infirmatum[1] conscientia scelerum et fraudium suarum, ut ex ea provincia, quae fuerit ex omnibus una maxime triumphalis, nullam sit ad senatum litteram mittere ausus. Ex qua provincia modo vir omni dignitate

[1] infrenatum *V.*

[a] From Ennius's tragedy *Thyestes.*
[b] Lost at sea off the African coast, 148.

Gaius Marius, whom the Italy he had preserved saw sunk in the marshes of Minturnae, and the Africa he had vanquished saw banished and shipwrecked. Those were wounds dealt by the slings of fortune, not of misconduct; but punishment is the wages of sin, and of sin alone. Indeed were I ever to pray that disaster might light upon you—as I have often prayed, and the immortal gods have heard my prayers—I should not pray for disease or death or physical torture. That would be like the imprecation put into the mouth of Thyestes by the poet, who appeals to the sentiments of the uninstructed and not of the philosopher when he prays:

That thou, a banished and a shipwrecked man,
Far on some pitiless crag, all disembowell'd,
May'st hang stretch'd out, sprinkling the rocks around
With hideous pollution and dark gore.[a]

Not that I should very greatly object, if such had 44 been your fate; but all the same it would be a fate to which any man is liable. Marcus Marcellus,[b] who was thrice consul, perished in the sea, in spite of all his virtue, his piety, his renown as a soldier; but his virtue keeps his fame and his glory alive. A death like his must be set down to chance, not to retribution. What then is retribution? What is punishment? What is stoning? What is the cross? This: that there should be two generals in the provinces of the people of Rome; that they should control armies and bear the title of Imperator; and that one of these should be so utterly unmanned by the consciousness of his crimes and his atrocities, that from a province which was above all others the most prolific in triumphs he should dare to send no dispatch to the senate. It was from that province

ornatissimus, L. Torquatus, magnis rebus gestis me referente ab senatu imperator est appellatus; unde his paucis annis Cn. Dolabellae, C. Curionis, M. Luculli iustissimos triumphos vidimus, ex ea a te imperatore nuntius ad senatum adlatus est nullus. Ab altero adlatae litterae, recitatae, relatum ad
45 senatum: di immortales! idne ego optarem, ut inimicus meus ea, qua nemo umquam, ignominia notaretur? Ut senatus is, qui in eam iam benignitatis consuetudinem venit, ut eos, qui bene rem publicam gesserint, novis honoribus adficiat et numero dierum et genere verborum, huius unius litteris nuntiantibus non crederet, postulantibus denegaret?

XX. His ego rebus pascor, his delector, his perfruor, quod de vobis hic ordo opinatur non secus ac de acerrimis hostibus; quod vos equites Romani, quod ceteri ordines, quod cuncta civitas odit; quod nemo bonus, nemo denique civis est, qui modo se civem esse meminerit, qui vos non oculis fugiat, auribus respuat, animo aspernetur, recordationem
46 denique ipsam consulatus vestri perhorrescat. Haec ego semper de vobis expetivi, haec optavi, haec precatus sum: plura etiam acciderunt quam vellem: nam ut amitteretis exercitum, numquam hercule optavi;

that Lucius Torquatus, distinguished by every merit, recently returned, to be addressed by the senate, upon my motion, as Imperator in recognition of his great achievements; it was there that during the last few years Gnaeus Dolabella, Gaius Curio, and Marcus Lucullus won well-deserved triumphs, of which we have been eye-witnesses; and from this province, from you as Imperator, there was brought to the senate no single message! From the other of the pair of you dispatches were, it is true, brought, were read before the senate, and were made the subject of a motion; but, ye immortal gods! 45
could I ever have dreamed that my enemy should be branded with such ignominy as was no man before?—that a senate which has made such a habit of kindness that it rewards success in administration with honours unprecedented both in the length of their celebration and the language in which they are decreed, should in his case alone refuse to believe the letter in which he made his report, and should disallow the demands made therein!

XX. This is a reflection upon which I gloat with ecstatic satisfaction: that this order thinks of you both not otherwise than of its bitterest foes; that the knights of Rome, all the other orders, and our entire society, loathe you; that there is no honest man, aye, no citizen who but remembers that he is a citizen, who does not shun you with his eyes, shut his ears in horror from you, scorn you with his soul, and shudder at the bare recollection of your consulship. That is the fulfilment of my desires, my vows, my 46
prayers on your behalf; more too has happened than I could wish; for, Heaven knows, I never prayed that you should lose an army: this too has happened

illud etiam accidit praeter optatum meum, sed valde ex voluntate : mihi enim numquam venerat in mentem furorem et insaniam optare vobis, in quam incidistis.

Atqui fuit optandum ; me tamen fugerat deorum immortalium has esse in impios et consceleratos poenas certissimas. Nolite enim ita putare, patres conscripti, ut in scena videtis, homines consceleratos impulsu deorum terreri furialibus taedis ardentibus : sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat ; hae sunt
47 impiorum furiae, hae flammae, hae faces. Ego te non vaecordem, non furiosum, non mente captum, non tragico illo Oreste aut Athamante dementiorem putem, qui sis ausus primum facere—nam id est caput,—deinde paulo ante Torquato, gravissimo et sanctissimo viro, premente[1] confiteri te provinciam Macedoniam, in quam tantum exercitum transportasses, sine ullo milite reliquisse ? Mitto de amissa maxima parte exercitus, sit hoc infelicitatis tuae : dimittendi vero exercitus quam potes adferre causam ? Quam potestatem habuisti ? Quam legem ? Quod senatus consultum ? Quod ius ? Quod exemplum ? Quid est aliud furere ? Non cognoscere homines, non cognoscere leges, non senatum, non civitatem ? Cruentare corpus suum leve est ; maior haec est vitae, famae, salutis suae
48 volneratio. Si familiam tuam dimisisses, quod ad

[1] praesente *V.*

[a] King of Thebes, was driven mad by Hera and slew his own children.

beyond my prayers, but absolutely in accordance with my wishes ; for it had never occurred to me to pray for the frenzied lunacy into which you have fallen.

And yet I might well have prayed for it ; but I had forgotten that such is the most inevitable of all the penalties ordained by the immortal gods against the wicked and the impious. For you must not imagine, Conscript Fathers, that, as you see happen upon the stage, impious men are hounded by the blazing brands of the Avengers sent against them by the gods. It is a man's own sin, his own guilt, his own effrontery which unseats his mind from its sanity. These are the Avengers, these the flames, these the brands that hound the wicked. Must I not account 47
you senseless, frantic, demented—madder than the Orestes or the Athamas[a] of tragedy—when you dared first to be guilty of the deed (and this is my main indictment), and then a short while ago, under pressure put upon you by the influential and blameless Torquatus, frankly to admit that you had left the province of Macedonia, whither you had conveyed so vast an army, without one single soldier ? I say nothing of the loss of the greater part of that army ; let us impute that to your misfortune ; but the disbanding of your army—what excuse can you allege for that ? What was your authority for this act ? where is the law, the decree of the senate, the prerogative, the precedent which allowed you to do it ? What is madness if it is not blindness to the claims of our fellow-men, of the laws, of the senate, of society ? To wound the body is a small thing ; but to lacerate one's life, one's reputation, one's welfare, like this, is a more serious matter. Had you discharged your 48

neminem nisi ad ipsum te pertineret, amici te constringendum putarent: praesidium tu rei publicae, custodiam provinciae, iniussu populi Romani senatusque dimisisses, si tuae mentis compos fuisses?

XXI. Ecce tibi alter, effusa iam maxima praeda, quam ex fortunis publicanorum, quam ex agris urbibusque sociorum exhauserat, cum partim eius praedae profundae libidines devorassent, partim nova quaedam et inaudita luxuries, partim etiam in illis locis, ubi omnia diripuit, emptiones, ad hunc Tusculani montem exstruendum: cum iam egeret, cum illa eius intermissa intolerabilis aedificatio constitisset, se ipsum, fascis suos, exercitum populi Romani, nomen interdictumque deorum immortalium, responsa sacerdotum, auctoritatem senatus, iussa populi Romani, nomen ac dignitatem imperii
49 regi Aegyptio vendidit; cum finis provinciae tantos haberet, quantos voluerat, quantos optarat, quantos pretio mei capitis emerat, eis se tenere non potuit: exercitum eduxit ex Syria. Qui licuit extra provinciam? Praebuit se mercennarium comitem regi Alexandrino.

Quid hoc turpius? In Aegyptum venit; signa contulit cum Alexandrinis. Quando hoc bellum

[a] Ptolemy Auletes; his restoration was forbidden by the Sibylline Books, but Gabinius restored him in return for a large sum of money.

household, an act which would have concerned none but yourself, your friends would have thought it necessary to put you under restraint; would you, without orders from the people and senate of Rome, have discharged the bulwark of the commonwealth and the safeguard of the province, if you had been in possession of your senses?

XXI. And now for your colleague! He, after squandering the vast plunder which he had squeezed from the wealth of the tax-farmers and the lands and cities of our allies, plunder which had been swallowed up either in the gulf of his licentiousness or in novel and unheard-of extravagances, or had been spent upon purchases in the very scenes of his depredations, in order to raise that mountain of a villa at Tusculum; when he began to be in want, when work upon his intolerable structure had been suspended and finally had come to a full stop, he then sold to the king of Egypt[a] his person, his fasces, the army of the Roman people, the name and the interdict of the immortal gods, the responses of the priests, the authority of the senate, the mandate of the Roman people, and the name and the dignity of this empire. Though the 49
limits of his province were such as he had wished, had hoped for, had purchased at the cost of my outlawry, yet great as they were he could not contain himself within them; he led his army out of Syria. How could he legally have led them outside his province? He lent himself out as a hired assistant to the king of Alexandria.

What could be more degrading than that? He came into Egypt, and fought a pitched battle with the inhabitants of Alexandria. When had either this order or the people of Rome undertaken re-

aut hic ordo aut populus susceperat? Cepit Alexandriam. Quid aliud exspectamus a furore eius nisi ut ad senatum tantis de rebus gestis litteras
50 mittat? Hic si mentis esset suae, nisi poenas patriae disque immortalibus eas, quae gravissimae sunt, furore atque insania penderet, ausus esset—mitto exire de provincia, educere exercitum, bellum sua sponte gerere, in regnum iniussu populi Romani aut senatus accedere, quae cum plurimae leges veteres tum lex Cornelia maiestatis, Iulia de pecuniis repetundis planissime vetat; sed haec omitto: ille si non acerrime fureret, auderet, quam provinciam P. Lentulus, amicissimus huic ordini, cum et auctoritate senatus et sorte haberet, interposita religione sine ulla dubitatione deposuisset, eam sibi asciscere, cum, etiam si religio non impediret, mos maiorum tamen et exempla et gravissimae legum poenae vetarent?

51 XXII. Et quoniam fortunarum contentionem facere coepimus, de reditu Gabinii omittamus; quem etsi sibi ipse praecidit, ego tamen os ut videam hominis exspecto: tuum, si placet, reditum cum meo conferamus. Ac meus quidem is fuit, ut a Brundisio usque Romam agmen perpetuum totius Italiae viderit; neque enim regio ulla fuit nec municipium

[a] In 57 the Senate, acceding to Ptolemy's importunities, had commissioned Lentulus, then proconsul of Cilicia, to reinstate him on the throne of Egypt. Ptolemy's intrigues in Italy brought about a reaction against him, and the Sibylline books were invoked to stop his restoration.

sponsibility for this war? He captured Alexandria. What else do we look for from his mad mood but that he should send a dispatch to the senate to report so brave a venture? If he had been in his senses, if he 50
had not already, by his infatuation and madness, been paying the direst of all penalties to his country and to the immortal gods, would he have dared—I say nothing now of his leaving his province, of his leading his army out of it, of his waging war on his own account, of his entering a king's realm without the orders of the Roman people or senate, conduct expressly forbidden by numerous ancient statutes, and in particular by the law of Cornelius against treason and that of Julius against malpractices, but I say nothing of all this—would he have dared, I say, had he not been a raving madman, to appropriate to himself a province which Publius Lentulus,[a] the devoted friend of this order, had unhesitatingly renounced because a religious scruple had presented itself, though he held that province by senatorial authority and by due allotment, would he have dared to do so, when, even though no religious scruple prevented him, he was none the less debarred by ancient usage and precedent and by the severest penalties of the law?

XXII. And now, since we have embarked upon a 51
comparison of our respective careers, let us say nothing of the return of Gabinius; for though he himself has broken it off halfway, yet I still look forward to seeing the fellow's impudent face. Let us, if you please, compare *your* return with mine. Mine was such that all the way from Brundisium to Rome I looked upon uninterrupted crowds from every part of Italy. Indeed there was no district, no munici-

neque praefectura aut colonia, ex qua non ad me publice venerint gratulatum. Quid dicam adventus meos? Quid effusiones hominum ex oppidis? Quid concursus ex agris patrum familias cum coniugibus ac liberis? Quid eos dies, qui quasi deorum immortalium festi atque sollemnes apud omnis sunt
52 adventu meo redituque celebrati? Unus ille dies mihi quidem immortalitatis instar fuit, cum in patriam redii, cum senatum egressum vidi populumque universum, cum mihi ipsa Roma prope convolsa sedibus suis ad complectendum conservatorem suum progredi visa est; quae me ita accepit, ut non modo omnium generum, aetatum, ordinum omnes viri ac mulieres omnis fortunae ac loci, sed etiam moenia ipsa viderentur et tecta urbis ac templa laetari; me consequentibus diebus in ea ipsa domo, qua tu me expuleras, quam expilaras, quam incenderas, pontifices, consules, patres conscripti conlocaverunt mihique, quod ante me nemini, pecunia publica aedificandam domum censuerunt.

53 Habes reditum meum; confer nunc vicissim tuum, quando quidem amisso exercitu nihil incolume domum praeter os illud tuum pristinum rettulisti: qui primum qua veneris cum laureatis tuis lictoribus quis scit? Quos tu Maeandros, dum omnis solitudines persequeris, quae deverticula flexionesque quaesisti? Quod te municipium vidit? Quis amicus invitavit? Quis hospes aspexit? Nonne tibi nox erat pro die,

pality, no prefecture or colony, which did not send official deputations to congratulate me. Why should I tell of my arrival at this place and at that, how the inhabitants flocked out of their towns to greet me, how fathers of families with their wives and children gathered from their country-sides, and how everywhere on my arrival and return those days were kept like solemn festivals of the immortal gods? That 52
single day of my restoration to my country was to me a sort of immortality, when I saw the senate and the entire people of Rome gathered outside the city, and when Rome herself seemed to dislodge herself from her fixed abode and go forth to embrace her saviour. And her reception of me was such that not only all men and women of all classes, ages, and ranks of society, of every circumstance and every position, but even the very walls, buildings, and temples of the city seemed to show their joy. And on the succeeding days the pontiffs, consuls, and Conscript Fathers reinstated me in the very house from which you had driven me forth, and which you had plundered and burned, and for me they voted, what had been voted for none before me, that my house should be rebuilt at the public charges.

There you have my return; now contrast with it 53
your own, since, having lost your army, you have brought nothing safe home with you except your old-time brazenness. And first, who knows the way you came with your laurelled lictors? What meanderings, what by-paths, what winding ways did you pursue, that you might traverse none but unfrequented regions? What municipal town saw you? What friend invited you to his house? What host looked upon your face? Did you not prefer darkness

solitudo pro frequentia, caupona pro oppido? Non ut redire ex Macedonia nobilis imperator, sed ut mortuus infamis referri videretur.

XXIII. Romam vero ipsam, o familiae, non dicam Calpurniae, sed Calventiae, neque huius urbis, sed Placentini municipii, neque paterni generis, sed braccatae cognationis dedecus, quem ad modum ingressus es? Quis tibi non dicam horum aut civium ceterorum, sed tuorum legatorum obviam venit?
54 Mecum enim L. Flaccus, vir tua legatione indignissimus atque eis consiliis, quibus mecum in consulatu meo coniunctus fuit ad conservandam rem publicam, dignior, mecum fuit tum, cum te quidam non longe a porta cum lictoribus errantem visum esse narraret; scio item virum fortem in primis, belli ac rei militaris peritum, familiarem meum, Q. Marcium, quorum tu legatorum opera in proelio imperator appellatus eras, cum longe afuisses, adventu isto tuo domi fuisse otiosum. Sed quid ego numero qui tibi obviam non
55 venerint? Quin dico venisse paene neminem, ne de officiosissima quidem natione candidatorum, cum volgo essent et illo ipso et multis ante diebus admoniti et rogati. Togulae lictoribus ad portam praesto fuerunt; quibus illi acceptis sagula reiecerunt, cater-

[a] *i.e.*, he disgraced his Gallic, much more his Roman antecedents.

[b] *Braccae* were the national garb of Gallia Narbonensis, which Pliny calls *Gallia Braccata*.

[c] Apprehended the Allobroges on the Mulvian Bridge with the letters to Catiline.

[d] *i.e.*, in order that they might appear to be ordinary citizens.

to daylight, solitude to thronging crowds, pot-houses to cities? Your progress suggested not the return from Macedonia of a distinguished general, but rather the bringing home of a dishonoured corpse.

XXIII. And when you arrived at Rome itself, O stain, I will not say upon the Calpurnian, but upon the Calventian[a] family, not upon this city, but upon the municipality of Placentia,[a] not upon your father's stock, but upon your breeched[b] kinsfolk, what was the fashion of your entry? Who from among your own lieutenants, let alone from among these gentlemen or the general body of citizens, came to meet you? Lucius Flaccus,[c] a man who deserved a better 54
fate than that of serving under you, and had more appropriately been united with myself in the measures which I took during my consulship for the safety of the constitution, was with me, when it was reported to us that you had been seen loitering with your lictors not far from the gate; I know too that one of the bravest of men, a master of war and military science, my friend Quintus Marcius, whose devotion to duty, along with that of Flaccus his fellow-lieutenant, had won for you upon the field the title of Imperator, though at the time you were far away, was enjoying the repose of his home when you arrived. But why enumerate those who did *not* 55
come to meet you? Why not assert that scarce a single person came, even of the prospective candidates for office, a class ever most punctilious in courtesy, and that although they had received general warnings and requests to do so on the actual day and on many previous days? At the gate short gowns[d] were provided for the lictors; these they took, laying aside their military cloaks, and thus furnished a

vam imperatori suo novam praebuerunt. Sic iste a tanto exercitu tantae provinciae triennio post Macedonicus imperator in urbem se intulit, ut nullius negotiatoris obscurissimi reditus umquam fuerit desertior; in quo me tamen, qui esset paratus ad se defendendum, reprehendit: cum ego eum Caelimontana introisse dixissem, sponsione me, ni Esquilina introisset, homo promptus lacessivit; quasi vero id aut ego scire debuerim aut vestrum quisquam audierit aut ad rem pertineat qua tu porta introieris, modo ne triumphali, quae porta Macedonicis semper consulibus ante te patuit. Tu inventus es qui consulari imperio praeditus ex Macedonia non triumphares.

56 XXIV. At audistis, patres conscripti, philosophi vocem: negavit se triumphi cupidum umquam fuisse. O scelus, o pestis, o labes! Cum exstinguebas senatum, vendebas auctoritatem huius ordinis, addicebas tribuno plebis consulatum tuum, rem publicam evertebas, prodebas caput et salutem meam mercede provinciae, si triumphum non cupiebas, cuius tandem te rei cupiditate arsisse defendes? Saepe enim vidi, qui et mihi et ceteris cupidiores provinciae viderentur, triumphi nomine tegere atque celare cupiditatem suam: hoc D. Silanus consul in hoc ordine, hoc meus etiam conlega dicebat; neque enim quisquam potest

queer sort of crowd for their Imperator. And in this guise, after three years' administration of a great province and a great army, our great Macedonian "Commander" made his way into the city, so meanly that not the humblest bagman ever had a more unnoticed return. And yet it is just here that he, who was ever glib in his own defence, calls me to book. When I asserted that he had entered the city by the Caelimontane Gate, the irrepressible fellow wanted to lay me a wager that it was by the Esquiline that he had entered—as if it was my business to know, or anyone of you had heard, or that it was a matter of the slightest interest by what gate you entered, so long as it was not the Triumphal, which has ever stood open for Macedonian consuls before you; you are the first on record who, having been invested with consular authority there, did not gain a triumph upon your return.

XXIV. But, Conscript Fathers, a philosopher has 56
spoken in your midst. He has said that he never cared about a triumph. O abominable plague-spot of iniquity! When you were stifling the senate, selling the authority of this order, assigning your consulship to a tribune of the people, overturning the state, betraying my rights and safety for the bribe of a province, what, if it was not a triumph that you cared about, will you maintain to have been the end that fired you with desire? It has been my constant experience that those who both to myself and others obviously appeared to be ardently desiring a province were concealing and cloaking their desire under a pretence of eagerness for a triumph. Such was the language used in this house by the consul Decius Silanus, and even by my own colleague; and indeed

exercitum cupere aperteque petere, ut non praetexat
57 cupiditatem triumphi. Quod si te senatus populusque Romanus aut non appetentem aut etiam recusantem bellum suscipere, exercitum ducere coëgisset, tamen erat angusti animi atque demissi iusti triumphi honorem dignitatemque contemnere; nam ut levitatis est inanem aucupari rumorem et omnis umbras etiam falsae gloriae consectari, sic est animi lucem splendoremque fugientis iustam gloriam, qui est fructus verae virtutis honestissimus, repudiare; cum vero non modo non postulante atque cogente, sed invito atque oppresso senatu, non modo nullo populi Romani studio, sed nullo ferente suffragium libero, provincia tibi ista manupretium fuerit eversae[1] per te et perditae civitatis, cumque omnium tuorum scelerum haec pactio exstiterit, ut, si tu totam rem publicam nefariis latronibus tradidisses, Macedonia tibi ob eam rem quibus tu velles finibus traderetur, cum exhauriebas aerarium, cum orbabas Italiam iuventute, cum mare vastissimum hieme transibas, si triumphum contemnebas, quae te, praedo amentissime, nisi praedae ac rapinarum cupiditas tam caeca rapiebat?

58 Non est integrum Cn. Pompeio consilio iam uti tuo. Erravit enim; non gustarat istam tuam philosophiam: ter iam homo stultus triumphavit. Crasse, pudet me

[1] *So V: other MSS.* non eversae.

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[a] All the passage that follows is ironical.

it is impossible for anyone to desire and openly to demand an army, without alleging desire for a triumph as his motive. Even had the senate and 57
people of Rome compelled you, indifferent or even reluctant as you may have been, to undertake a war and to command an army, still it would have argued a mean and narrow spirit to despise the distinction and the dignity of a well-earned triumph. For as it is the mark of a shallow mind to court the whispers of empty adulation and to pursue every shadow even of an illusory fame, so it is the sign of a mind that shuns light and radiance to reject that true fame which is the creditable reward of genuine merit. But when, with neither request nor order of the senate—nay, in face of a senate over whose disapproval you rode rough-shod—when not only without the support of the Roman people but without a single free man's vote, you treated that province as your perquisite for having been the instrument of the overthrow and ruin of the state, and when the understanding that lay behind all your wicked deeds was that, in return for your surrendering the whole constitution to lawless robbers, Macedonia should be surrendered to you with such boundaries as you chose; when you were draining the treasury, widowing Italy of her youth, and crossing angry seas in winter-time—what, if you despised a triumph, what was the blind desire, infatuated pirate, that urged you on your course, if it was not the desire for booty and rapine?

Gnaeus Pompeius has already committed him- 58
self;[a] he cannot act upon the lines you have laid down. He has blundered; he never had any relish for the philosophic outlook; the poor fool has already had three triumphs. Crassus, I am ashamed

tui: quid est quod confecto per te formidolosissimo bello coronam illam lauream tibi tanto opere decerni volueris a senatu? P. Servili, Q. Metelle, C. Curio, L. Afrani, cur hunc non audistis tam doctum hominem, tam eruditum, prius quam in istum errorem induceremini? C. ipsi Pomptino, necessario meo, iam non est integrum; religionibus enim susceptis impeditur. O stultos Camillos, Curios, Fabricios, Calatinos, Scipiones, Marcellos, Maximos! Amentem Paulum! rusticum Marium! Nullius consilii patres horum amborum consulum, qui triumpharint!

59 XXV. Sed quoniam praeterita mutare non possumus, quid cessat hic homullus, ex argilla et luto fictus Epicurus, dare haec praeclara praecepta sapientiae clarissimo et summo imperatori, genero suo? Fertur ille vir, mihi crede, gloria; flagrat, ardet cupiditate iusti et magni triumphi; non didicit eadem ista quae tu. Mitte ad eum libellum; et si iam ipse coram congredi poteris, meditare quibus verbis incensam illius cupiditatem comprimas atque restinguas: valebis apud hominem volitantem gloriae cupiditate vir moderatus et constans, apud indoctum eruditus, apud generum socer; dices enim, ut es homo factus ad persuadendum, concinnus, perfectus, politus ex schola: "Quid est, Caesar, quod te supplicationes totiens iam

[a] Pomptinus was waiting for a triumph over the Allobroges; the process essential to it had been begun, and he could not now draw back.

[b] C. Julius Caesar, now in Gaul.

of you! What can have been your motive in bringing a formidable war to its conclusion, and showing such eagerness to have that laurel wreath decreed to you by the senate? Publius Servilius, Quintus Metellus, Gaius Curio, Lucius Afranius, why did you not sit at the feet of this sage, this learned man, and so avoid the error into which you have been led? Even my friend Gaius Pomptinus[a] has likewise committed himself; for his actions are hampered by the ceremonies that have been set on foot. Fie upon you, Camillus, Curius, Fabricius, Calatinus, Scipio, Marcellus, Maximus—fools, all the lot of you! What a dotard was Paulus! what a simpleton Marius! How misguided were the fathers of both these consuls! And why? They celebrated triumphs!

XXV. But, since we cannot alter the past, why 59
does not this mannikin, this Epicurus of mud and clay, hasten to instil these sublime and philosophical doctrines into that great and illustrious commander his son-in-law[b]? Believe me, it is fame that bids that great man soar; he burns, he is ablaze with desire for a splendid and a well-earned triumph. He has not learnt the lessons that you have learnt. Send him a tract; nay, if at this stage you can contrive to meet him in person, meditate what phrases you can use to quench and stifle the flames of his desire. A man of such restraint and strength of will as you are cannot but exert an influence over the giddy victim of ambition; the learning of the father-in-law will surely work upon the ignorance of the son-in-law. You will say to him, consummate proselytist that you are, elegant and accomplished masterpiece of the lecture-room: "What, Caesar, is the strong attraction that these thanksgivings of such frequency

decretae tot dierum tanto opere delectent? in quibus homines errore ducuntur, quas di neglegunt, qui, ut noster divinus ille dixit Epicurus, neque propitii cuiquam esse solent neque irati." Non facies fidem scilicet, cum haec disputabis; tibi enim et esse et fuisse videbit iratos.

60 Vertes te ad alteram scholam; disseres de triumpho: "Quid tandem habet iste currus? Quid vincti ante currum duces? Quid simulacra oppidorum? Quid aurum? Quid argentum? Quid legati in equis et tribuni? Quid clamor militum? Quid tota illa pompa? Inania sunt ista, mihi crede, delectamenta paene puerorum, captare plausus, vehi per urbem, conspici velle; quibus ex rebus nihil est quod solidum tenere, nihil quod referre ad voluptatem corporis
61 possis: quin tu me vides, qui, ex qua provincia T. Flamininus, L. Paulus, Q. Metellus, T. Didius, innumerabiles alii levitate et cupiditate commoti triumpharunt, ex ea sic redii, ut ad portam Esquilinam Macedonicam lauream conculcarim, ipse cum hominibus quindecim male vestitis ad portam Caelimontanam sitiens pervenerim; quo in loco mihi libertus praeclaro imperatori domum ex hac die biduo ante conduxerat; quae vacua si non fuisset, in campo Martio mihi tabernaculum conlocassem. Nummus interea mihi, Caesar, neglectis ferculis triumphalibus domi manet et manebit: rationes ad aerarium continuo,

[a] For the Epicurean doctrine of the passionlessness of God see Tennyson, *Lucretius*.
[b] *Lex Iulia de Repetundis.*

and such long duration as have been decreed to you possess? The world is under a deep delusion concerning them, the gods care naught for them; for they, as our godlike Epicurus has said, feel neither kindness nor wrath towards any."[a] You will scarcely carry conviction by such arguments; for he will see that they both feel and have felt wrath towards *you*.

Your disquisition will then take another theme, 60
and you will take triumphs as your subject. "What," you will ask, "is the use of yon chariot, of the generals that walk in chains before it, of the models of towns, of the gold and the silver, of the lieutenants and the tribunes on horseback, of the shouting of the troops, and of all the pageantry of the show? Vanity, mere vanity I tell you—scarce more than a child's diversion—to hunt applause, to drive through the city, to wish to be a gazing-stock. In none of them is there anything substantial, anything that you can grasp, anything that you can associate with bodily
pleasure. Fix your attention rather upon me; I 61
returned from the same province from which Titus Flamininus, Lucius Paulus, Quintus Metellus, Titus Didius, and hosts of others who were stirred by petty ambitions, returned to hold triumphs; but I returned to trample my Macedonian laurels under foot at the Esquiline Gate, and to arrive thirsty with fifteen threadbare retainers at the Caelimontane Gate, where two days previously my freedman had hired a house for me, his illustrious chief; had this house not been to let, I should have pitched my tent in the Field of Mars. Meanwhile, Caesar, because the gewgaws of a triumph meant nothing to me, my money is safe at home, and safe there it will remain. As your law[b] required, I rendered an immediate

sicut lex tua iubebat, detuli, neque alia ulla in re legi tuae parui; quas rationes si cognoris, intelleges nemini plus quam mihi litteras profuisse; ita enim sunt perscriptae scite et litterate, ut scriba, ad aerarium qui eas rettulit, perscriptis rationibus, secum ipse, caput sinistra manu perfricans, commurmuratus sit:

> ratio quidem hercle apparet, argentum οἴχεται."

hac tu oratione non dubito quin illum iam escendentem in currum revocare possis.

62 XXVI. O tenebrae, lutum, sordes, o paterni generis oblite, materni vix memor! Ita nescio quid istuc fractum, humile, demissum, sordidum, inferius etiam est, quam ut Mediolanensi praecone, avo tuo, dignum esse videatur. L. Crassus, homo sapientissimus nostrae civitatis, specillis prope scrutatus est Alpis, ut, ubi hostis non erat, ibi triumphi causam aliquam quaereret; eadem cupiditate vir summo ingenio praeditus, C. Cotta, nullo certo hoste flagravit: eorum neuter triumphavit, quod alteri illum honorem conlega, alteri mors praeripuit. Inrisa est abs te paulo ante M. Pisonis cupiditas triumphandi, a qua te longe dixisti abhorrere; qui etiam si minus magnum bellum gesserat, ut abs te dictum est, tamen istum honorem contemnendum non putavit. Tu eruditior quam Piso, prudentior quam Cotta, abundantior consilio, ingenio, sapientia quam

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[a] Plautus, *Trinummus*, ii. 4. 18.

[b] "Tried to get an excuse for a triumph by worrying some wretched Alpine tribes," Heitland.

[c] Consul 75; for successes in Gaul was granted a triumph, but died of an old wound before he could celebrate it.

statement of my accounts to the treasury, but I have complied with your law in nothing else. And if you study those accounts, you will find that no one has profited more highly from his learning than myself. In so acute and scholarly fashion are they made out, that the clerk who made the return to the treasury, having completed his copy of them, murmured while he scratched his head with his left hand—

> The count indeed is plain, the coin—is gone![a]"

I have not the least doubt that by arguments such as these you will contrive to recall him even in the act of mounting his triumphal car.

XXVI. O darkened eyes! O bemired and dingy 62 soul! O forgetful of your father's line, with scarce a memory even of your mother's! Even so shattered, so grovelling, so degraded, so mean is your condition —lower even than would seem to befit your grandfather, the auctioneer of Milan. Lucius Crassus,[b] the wisest man of our state, may almost be said to have ransacked the Alps with a probe, in order to find some pretext for a triumph in a place where there was no enemy; that great genius Gaius Cotta[c] was fired with a similar ambition, though he met no regular foe. Neither of these held a triumph; the one was robbed of that honour by his colleague, the other by death. A short while ago you waxed sarcastic upon Marcus Piso's desire for a triumph, alleging that such a desire was utterly alien to your disposition; though the war he had waged was, as you assert, comparatively unimportant, still he did not think that the honour accruing from it was to be slighted. But you are more learned than Piso, wiser than Cotta, richer in resource, genius, and sagacity

Crassus: ea contemnis, quae illi idiotae, ut tu ap-
63 pellas, praeclara duxerunt. Quod si reprehendis, quod cupidi coronae laureae fuerint, cum bella aut parva aut nulla gessissent, tu tantis nationibus subactis, tantis rebus gestis, minime fructum laborum tuorum, praemia periculorum, virtutis insignia contemnere debuisti. Neque vero contempsisti, sis licet Themista sapientior, sed os tuum ferreum senatus convitio verberari noluisti.

Iam vides, quoniam quidem ita egomet mihi fui inimicus, ut me tecum compararem, et digressum meum et absentiam et reditum ita longe tuo praestitisse, ut mihi illa omnia immortalem gloriam dederint, tibi sempiternam turpitudinem inflixerint.
64 Num etiam in hac cotidiana adsidua urbanaque vita splendorem tuum, gratiam, celebritatem domesticam, operam forensem, consilium, auxilium, auctoritatem, sententiam senatoriam nobis aut, ut verius dicam, cuiquam es infimo ac despicatissimo antelaturus?

XXVII. Age, senatus odit te, quod eum tu facere iure concedis, adflictorem ac perditorem non modo dignitatis et auctoritatis, sed omnino ordinis ac nominis sui; videre equites Romani non possunt, quo ex ordine vir praestantissimus et ornatissimus, L. Aelius, est te consule relegatus; plebs Romana perditum cupit, in cuius tu infamiam ea, quae per

[a] *Idiota*, a Greek word used in contempt, as we should say "low-brow."

[b] A female disciple of Epicurus.

than Crassus; and you despise the things which those "ignoramuses,"[a] as you are pleased to call them, deemed glorious. And if you blame them for covet- 63
ing the laurel garland, after waging wars that were unimportant or even not deserving of the name at all, surely you, who have conquered nations so mighty, and done deeds so doughty, ought to have been the last to despise the fruit of your labours, the guerdon of your danger and the decoration due to your heroism. Nor indeed did you despise them, wiser than Themista[b] though you be; but you shrank from exposing your face of steel to the lash of the senate's reproach.

By now you see, since I have done myself so ill a turn as to compare myself with you, that my departure, my absence, and my return were all so far above your own, that while upon me all those incidents shed undying glory, upon you they have inflicted everlasting infamy. Nay, even in the daily and 64
homely life of our city do you propose to place a higher value upon *your* brilliance, influence, private prestige and forensic activity, sagacity, helpfulness, authority, and opinion as a senator, than upon mine, or, to speak more truly, that of any the meanest and most despicable of men?

XXVII. Think of it! The senate hates you, as you admit it is justified in doing, for being the ravager and destroyer not only of its dignity and authority, but of its very existence and name as an order. The knights of Rome cannot bear the sight of you, for when you were consul Lucius Aelius, the brightest and most distinguished member of the order, was banished. The people of Rome longs for your destruction, for in all that you did in regard to myself by the hands of brigands and slaves you

latrones, per servos de me egeras, contulisti ; Italia cuncta exsecratur, cuius idem tu superbissime
65 decreta et preces repudiasti. Fac huius odii tanti ac tam universi periculum, si audes : instant post hominum memoriam apparatissimi magnificentissimique ludi, quales non modo numquam fuerunt, sed ne quo modo fieri quidem posthac possint possum ullo pacto suspicari : da te populo, committe ludis. Sibilum metuis ? Ubi sunt vestrae scholae ? Ne acclametur times ? Ne id quidem est curare philosophi. Manus tibi ne adferantur ? Dolor enim est malum, ut tu disputas ; existimatio, dedecus, infamia, turpitudo verba atque ineptiae. Sed de hoc non dubito : non audebit accedere ad ludos. Convivium publicum non dignitatis causa inibit—nisi forte ut cum P. Clodio, hoc est, cum amoribus suis, cenet—sed plane animi sui causa : ludos nobis
66 idiotis relinquet ; solet enim in disputationibus suis oculorum et aurium delectationi abdominis voluptates anteferre.

Nam quod vobis iste tantum modo improbus, crudelis, olim furunculus, nunc vero etiam rapax, quod sordidus, quod contumax, quod superbus, quod fallax, quod perfidiosus, quod impudens, quod audax esse videtur, nihil scitote esse luxuriosius, nihil libidi-
67 nosius, nihil posterius, nihil nequius. Luxuriem autem nolite in isto hanc cogitare : est enim quae-

[a] Those celebrated by Pompey in 55 at the opening of his theatre.

heaped infamy upon them. All Italy execrates you, for it was you again who arrogantly disregarded their resolutions and their prayers. Test by experi- 65
ment this bitter and widespread hatred, if you dare. We are close upon the celebration of the most elaborate and gorgeous games [a] in the memory of man —games which are not only without parallel in the past, but of which it is difficult to conceive that future ages will ever show their like. Trust yourself to the people ; make your venture at these games. Are you afraid of hisses ? Where are your disquisitions ? Do you fear to be hooted ? That again is no matter to worry a philosopher. Do you fear physical violence ? Aye, there's the rub ; pain is an evil, according to your view. Reputation, infamy, disgrace, degradation—these are mere phrases, mere bagatelles. But no, I have no misgivings ; he will not venture to come within a mile of the games. He will attend the public banquet, not as a mark of respect—unless indeed he desires to dine with Publius Clodius or, in other words, with his minion—but, obviously, as his feelings demand ; the games he will leave to " ignoramuses " like us. For it is 66
his habit in all his discussions to attach higher value to the pleasures of the belly than to the delights of the eye and the ear.

You may in the past have thought him merely dishonest, cruel, light-fingered; you may more recently have found him greedy, grovelling, headstrong, arrogant, deceitful, perfidious, shameless, impudent; but you may take it from me that he is the last word in voluptuousness, in licentiousness, in baseness, in villainy. But it is not voluptuousness in the ordinary 67
sense of the word that you must look to find in him.

dam, quamquam omnis est vitiosa atque turpis, tamen ingenuo ac libero dignior: nihil apud hunc lautum, nihil elegans, nihil exquisitum—laudabo inimicum—quin ne magno opere quidem quicquam praeter libidines sumptuosum: toreuma nullum; maximi calices, et ei, ne contemnere suos videatur, Placentini; exstructa mensa non conchyliis aut piscibus, sed multa carne subrancida; servi sordidati ministrant, non nulli etiam senes; idem coquus, idem atriensis; pistor domi nullus, nulla cella; panis et vinum a propola atque de cupa; Graeci stipati, quini in lectis, saepe plures, ipse solus; bibitur usque eo, dum de dolio ministretur. Ubi galli cantum audivit, avum suum revixisse putat; mensam tolli iubet.

68 XXVIII. Dicet aliquis: unde tibi haec nota sunt? Non mehercules contumeliae causa describam quemquam, praesertim ingeniosum hominem atque eruditum, cui generi esse ego iratus, ne si cupiam quidem, possum. Est quidam Graecus, qui cum isto vivit, homo, ut vere dicam—sic enim cognovi—humanus, sed tam diu, quam diu cum aliis est aut ipse secum: is cum istum adulescentem iam tum hac dis irata fronte vidisset, non fastidivit eius amicitiam, cum esset praesertim appetitus: dedit se in consuetudinem, sic ut prorsus una viveret, nec fere umquam ab eo discederet. Non apud indoctos

[a] A poor joke: the crowing of the *gallus* reminds him of his Gallic grandfather.

Though all voluptuousness is vicious and degrading, there is a form of it that is not all unworthy of a gentleman and a freeman. You will find in Piso no good taste, no refinement, no elegance; you will find in him—to give the devil his due—nothing exceptionally extravagant, save his licentiousness. Embossed ware—not a piece of it; enormous tankards—Placentine ones, too, that he might not be thought to despise his countrymen; the table piled not with shellfish or fish, but with huge joints of tainted meat; slatternly slaves do the waiting, some even old men; cook and hall-porter are one; neither breadmaker nor wine-cellar on the premises; the bread from a bakehouse, the wine from a tavern; Greeks packed five or more to a couch, himself alone on one; toping until the wine is poured straight out of the jar. When he hears the cock crow, he thinks that his Gallic[a] grandfather has come to life again, and orders the table to be cleared.

XXVIII. Someone will no doubt ask, "How do you 68
come to know all this?" Well, I do not propose to describe any individual in such a manner as to insult him, especially if he be a man of parts and learning, a class with which I could not be angry, even if I wished. There is a certain Greek who lives with him, a man whom, to tell the truth, I have found to be a very gentlemanly fellow, at any rate as long as he is in other company than Piso's, or is by himself. This man met our young friend Piso who even then wore a scowl as if he resented the existence of the gods, and was not averse to his friendship, especially as the other eagerly sought him; he so far gave himself up to his company that he absolutely lived with him and scarcely ever left his side. I am speaking not

sed, ut ego arbitror, in hominum eruditissimorum et humanissimorum coetu loquor. Audistis profecto dici philosophos Epicureos omnis res, quae sint homini expetendae, voluptate metiri: rectene an secus, nihil ad nos, aut, si ad nos, nihil ad hoc tempus; sed tamen lubricum genus orationis adulescenti
69 non acriter intellegenti est saepe praeceps: itaque admissarius iste, simul audivit voluptatem a philosopho tanto opere laudari, nihil expiscatus est: sic suos sensus voluptarios omnis incitavit, sic ad illius hanc orationem adhinnivit, ut non magistrum virtutis, sed auctorem libidinis a se illum inventum arbitraretur. Graecus primo distinguere et dividere illa quem ad modum dicerentur: iste claudus, quem ad modum aiunt, pilam retinere; quod acceperat, testificari, tabellas obsignare velle, Epicurum disertum dicere; etenim dicit, ut opinor, se nullum bonum intellegere posse demptis corporis volup-
70 tatibus. Quid multa? Graecus facilis et valde venustus nimis pugnax contra imperatorem[1] populi Romani esse noluit.

XXIX. Est autem hic, de quo loquor, non philosophia solum, sed etiam ceteris studiis, quae fere ceteros Epicureos neglegere dicunt, perpolitus; poëma porro facit ita festivum, ita concinnum, ita elegans, nihil ut fieri possit argutius; in quo reprehendat eum licet, si qui volet, modo leviter, non ut impurum, non ut improbum, non ut audacem, sed

[1] imperatorem v, senatorem other MSS.

[a] "Said of one who cannot make a right use of a thing" (Lewis & Short).

[b] Lit., "he wanted to seal up the papers," *i.e.*, insisted on the literal meaning, and would have no discussion.

to an ignorant audience, but, as I think, in an assembly of learned and accomplished gentlemen. You have of course heard it said that Epicurean philosophers assess the desirability of anything by its capacity to give pleasure—whether rightly or wrongly is no concern of ours, or at any rate not relevant to the present issue—it is, however, a dangerous argument to put before a young man of only moderate intelligence, and one that often leads to disaster. Accord- 69
ingly as soon as the lewd Piso heard pleasure praised so highly by so great a philosopher, he did not pick and choose; he so stimulated all his pleasurable sensations, and raised such a whinnying to welcome his friend's arguments, that he plainly thought he had found in the Greek not a professor of ethics but a master of the art of lust. The Greek at first drew distinctions as to the meaning of the precepts; but, as the proverb says, "a cripple had got the ball"[a]; he insisted on what he had received, he stuck to the letter of his lesson,[b] and would have it that Epicurus was an eloquent fellow; and indeed he does, I believe, assert that he cannot conceive any good apart from bodily pleasure. To make a long story short, 70
the Greek was far too charming and complaisant to have any notion of standing up to a General of the Roman people.

XXIX. Now the Greek of whom I am speaking had at his finger-tips not only philosophy but also other accomplishments which Epicureans are said commonly to neglect; he proceeded to compose a poem so witty, neat, and elegant, that nothing could be cleverer. Anyone who wishes is at liberty to find fault with him for this poem; but let him do so gently, not as with a low and bare-faced rogue, but

ut Graeculum, ut adsentatorem, ut poëtam. Devenit
autem seu potius incidit in istum eodem deceptus
supercilio, Graecus atque advena, quo tot sapientes
et tanta civitas. Revocare se non poterat familia-
ritate implicatus et simul inconstantiae famam vere-
batur. Rogatus, invitatus, coactus, ita multa ad
istum de ipso quoque scripsit, ut omnis hominis
libidines, omnia stupra, omnia cenarum conviviorum-
que genera, adulteria denique eius delicatissimis
71 versibus expresserit; in quibus, si qui velit, possit
istius tamquam in speculo vitam intueri: ex quibus
multa a multis lecta et audita recitarem, ni vererer
ne hoc ipsum genus orationis, quo nunc utor, ab
huius loci more abhorreret: et simul de ipso, qui
scripsit, detrahi nihil volo, qui si fuisset in discipulo
comparando meliore fortuna, fortasse austerior et
gravior esse potuisset; sed eum casus in hanc con-
suetudinem scribendi induxit, philosopho valde
indignam: si quidem philosophia, ut fertur, virtutis
continet et officii et bene vivendi disciplinam; quam
qui profitetur, gravissimam sustinere mihi per-
72 sonam videtur; sed idem casus illum ignarum quid
profiteretur, cum se philosophum esse diceret,
istius impurissimae atque intemperantissimae pecudis
caeno et sordibus inquinavit.

Qui modo cum res gestas consulatus mei con-

as with a poor little Greek, a parasite, a poet. When
he came upon Piso, or rather fell in with him, he was
but beguiled, a Greek in a strange land as he was, by
the same savage scowl as has beguiled so many sages
and so great a society as our own. Once in the toils
of friendship, there was no drawing back for him,
and, what was more, he wished to avoid the reproach
of fickleness. In response to request, invitation,
pressure, he wrote reams of verse to Piso and about
Piso, sketching to the life in lines of perfect finish all
his lusts and immoralities, all his varied dinners and
banquets, all his adulteries; and in these poems 71
anyone who wishes can see the fellow's life reflected
as in a mirror. I would read you a copious selection
from these (they have often been read and listened
to before), were it not that I am afraid that, even as it
is, my present subject is out of keeping with the
traditions of this place; and at the same time I do
not wish to cast any slur upon the character of their
author. Had he been luckier in the sort of pupil he
found, he might perhaps have turned out a steadier
and more irreproachable character; but chance led
him into a style of writing which was unworthy of a
philosopher, if, that is to say, philosophy is correctly
described as comprising the whole theory of virtue
and duty and the good life; and the man who pro-
fesses that seems to me to have taken upon himself
the most responsible of functions. He did but im- 72
perfectly apprehend what he was professing in calling
himself a philosopher, and chance too defiled him
with the mud and filth of that bestial and unbridled
monster.

That monster recently in highly applauding the
achievements of my consulship—and I felt the high

laudasset, quae quidem conlaudatio hominis turpissimi mihi ipsi erat paene turpis, "non illa tibi" inquit "invidia nocuit, sed versus tui." Nimis magna poena te consule constituta est sive malo poëtae sive libero. "Scripsisti enim: cedant arma togae." Quid tum? "Haec res tibi fluctus illos excitavit." At hoc nusquam opinor scriptum fuisse in illo elogio, quod te consule in sepulcro rei publicae incisum est: velitis iubeatis, ut, quod M. Cicero versum fecerit, sed quod vindicarit.

73 XXX. Verum tamen, quoniam te non Aristarchum, sed Phalarin grammaticum habemus, qui non notam apponas ad malum versum, sed poëtam armis persequare, scire cupio quid tandem in isto versu reprehendas: cedant arma togae. "Tuae dicis" inquit "togae summum imperatorem esse cessurum." Quid nunc te, asine, litteras doceam? Non opus est verbis, sed fustibus. Non dixi hanc togam, qua sum amictus, nec arma scutum aut gladium unius imperatoris, sed quia pacis est insigne et otii toga, contra autem arma tumultus atque belli, poëtarum more cum locutus sum, hoc intellegi volui, bellum
74 ac tumultum paci atque otio concessurum. Quaere ex familiari tuo, Graeco illo poëta: probabit genus ipsum et agnoscet neque te nihil sapere mirabitur. "At in altero illo" inquit "haeres: concedat

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[a] "Cedant arma togae; concedat laurea laudi": the much-pilloried line from C.'s poem *De consulatu meo*; Piso suggests that Pompey took offence at it.

[b] *i.e.*, Clodius's law laying C. under an interdict.

[c] *vel. iub.*: the usual formula in the enactment of a law.

[d] The great scholar and Homeric critic of Alexandria.

[e] The Sicilian tyrant who roasted his victims in a brazen bull.

applause of so mean a creature to be something of a slur—remarked, "It was not any odium aroused by your conduct that harmed you, but your verses." Surely, Piso, the penalty that you enacted in your consulship was somewhat excessive, whether it was against a bad poet or just against a free man. "For you wrote," you proceed, "'Arms to the gown must yield.'[a] This it was that roused all that storm against you." But nowhere, I think, in the epitaph[b] which in your consulship was engraved upon the sepulchre of the constitution occur the words: "May it be your good pleasure,[c] inasmuch as Cicero has written a line . . ."; the phrase rather runs: "inasmuch as Cicero punished . . ."

XXX. But, since we look upon you not as the 73
Aristarchus,[d] but rather as the Phalaris[e] of criticism —one who, instead of stigmatizing a faulty verse, subjects the poet to physical assault—I should like to know, please, what fault you have to find with the line, "Arms to the gown must yield." "You assert," rejoins Piso, "that the greatest general will yield to the gown." What, you ass! must I begin to teach you your letters? For that I shall need not words but a cudgel. When I said "gown" I did not mean the gown I am wearing at this moment, nor, when I said "arms," did I mean the shield or sword of any particular general; but, since the gown is the symbol of peace and repose, and arms that of unrest and war, I did but speak after the fashion of poets, intending to convey the meaning that war and unrest
would yield to peace and repose. Ask your friend 74
the Greek poet; he will pass my figure of speech and recognize it, and will feel no surprise at your lack of discernment. "But," says Piso, "what about the

laurea laudi." Immo me hercule, habeo tibi gratiam; haererem enim, nisi tu me expedisses. Nam cum tu timidus ac tremens tuis ipse furacissimis manibus detractam e cruentis fascibus lauream ad portam Esquilinam abiecisti, indicasti non modo amplissimae, sed etiam minimae laudi lauream concessisse. Atque ista oratione hoc tamen intellegi, scelerate, vis, Pompeium inimicum mihi isto versu esse factum; ut, si versus mihi nocuerit, ab eo, quem is versus offenderit, videatur mihi pernicies esse quaesita.
75 Omitto nihil istum versum pertinuisse ad illum; non fuisse meum, quem quantum potuissem multis saepe orationibus scriptisque decorassem, hunc uno violare versu. Sed sit offensus. Primo nonne compensabit cum uno versiculo tot mea volumina laudum suarum? Quod si esset commotus, ad perniciemne non dicam amicissimi, non ita de sua laude meriti, non ita de re publica, non consularis, non senatoris, non civis, non liberi: in hominis caput ille tam crudelis propter versum fuisset?

XXXI. Tu quid, tu apud quos, tu de quo dicas intellegis? Complecti vis amplissimos viros ad tuum et Gabinii scelus, neque id occulte; nam paulo ante dixisti me cum eis confligere, quos despicerem; non attingere eos, qui plus possent,

[a] *i.e.*, C. had attacked Piso and Gabinius, but dared not attack Caesar and Pompey.

next phrase, 'the bay to true renown'? There I have you." On the contrary, I am much obliged to you; for you certainly would have me, were it not that you yourself have shown me the way out. For when you, craven coward that you are, yourself with those pilfering hands tore the bays from your blood-stained fasces and cast them away at the Esquiline Gate, you gave it as your opinion that the bay had yielded, not only to the highest, but even to the meanest renown. And yet, villain, you would fain imply by your argument that that line made Pompeius my enemy; so that, assuming that the line was my undoing, it may be thought that my downfall was the end aimed at by him whom the line offended. I say nothing of the fact that the line had 75
no reference to him at all; and that it was not my way to assail with one single line the man whom I had done my best to honour in many speeches and writings. But let us assume that he was at first offended; will he not set off against one poor verse all those volumes of mine that sing his praises? And had he been so moved, would he have hardened his heart to work the downfall, I will not say of a dear friend, of a true servant of his reputation and of the republic, of an ex-consul, of a senator, of a citizen, of a free man—would he, for a line of poetry, have hardened his heart against the life of any human creature?

XXXI. And you—do you realize what, in whose presence, concerning whom you are speaking? You desire to implicate men of high standing in the crime of yourself and Gabinius, and that without disguise. For a short while ago you alleged that I was pitting myself against men whom I despised, while I was leaving severely alone the more influential[a] who had

quibus iratus esse deberem. Quorum quidem—quis enim non intellegit quos dicas?—quamquam non est causa una omnium, tamen est omnium mihi
76 probata. Me Cn. Pompeius multis obsistentibus eius erga me studio atque amori semper dilexit, semper sua coniunctione dignissimum iudicavit, semper non modo incolumem, sed etiam amplissimum atque ornatissimum voluit esse. Vestrae fraudes, vestrum scelus, vestrae criminationes insidiarum mearum, illius periculorum, nefarie fictae, simul eorum, qui familiaritatis licentia suorum improbissimorum sermonum domicilium in auribus eius impulsu vestro conlocarant, vestrae cupiditates provinciarum effecerunt, ut ego excluderer, omnesque, qui me, qui illius gloriam, qui rem publicam salvam esse cupiebant, sermone atque aditu prohiberentur—quibus rebus est perfectum, ut illi plane stare in suo iudicio non liceret, cum certi homines non studium eius a me alienassent, sed auxilium
77 retardassent. Nonne ad te L. Lentulus, qui tum erat praetor, non Q. Sanga, non L. Torquatus pater, non M. Lucullus venit? Qui omnes ad eum multique mortales oratum in Albanum obsecratumque venerant, ut ne meas fortunas desereret cum rei publicae salute coniunctas: quos ille ad te et ad tuum conlegam remisit, ut causam publicam susciperetis, ut ad senatum referretis; se contra armatum tribunum plebis sine publico consilio decertare nolle, consulibus ex senatus consulto rem publicam

[a] C. was accused of forming a plot against P.'s life.

merited my resentment. But as for these men—for who does not know to whom you refer?—although the case of all of them is not the same, still all of them have my approval. Gnaeus Pompeius, in spite of the 76
efforts of many to cool his zealous attachment to me, has ever held me in regard, ever counted me most worthy of his intimacy, ever had at heart not my security alone, but my dignity and my distinction. It was the deceits of you and your associates, your wickedness, your false and slanderous imputation against me of treachery and of danger [a] to him as well as of those who have abused his intimacy at your suggestion by planting in his ears their vile insinuations—it was your desire for provinces, which shut his doors against me, and debarred from intercourse with and access to him all who cherished the welfare of myself, of his glory, and of the constitution. All these influences prevented him from having the courage of his convictions, for certain persons had, I will not say alienated his feelings from me, but cooled his eagerness to be of use to me. Did not Lucius Lentulus, 77
who was at that time praetor, did not Quintus Sanga, did not Lucius Torquatus the elder, did not Marcus Lucullus visit you? All these and many other of their fellow-men had already visited Pompey at his house at Alba, to beg and implore him not to let my situation go unrelieved when it was closely bound up with the well-being of the state. He sent them on to you and your colleague that you might espouse the public cause and bring a motion before the senate. For himself he was unwilling, he said, to match himself against an armed tribune of the people, unless backed by an official resolution; but should the consuls act upon a decree of the senate and defend

78 defendentibus se arma sumpturum. Ecquid, infelix, recordaris quid responderis? In quo illi omnes quidem, sed Torquatus praeter ceteros furebat contumacia responsi tui, te non esse tam fortem, quam ipse Torquatus in consulatu fuisset, aut ego; nihil opus esse armis, nihil contentione; me posse rem publicam iterum servare, si cessissem; infinitam caedem fore, si restitissem; deinde ad extremum, neque se neque generum neque conlegam suum tribuno plebis defuturum. Hic tu, hostis ac proditor, aliis me inimiciorem quam tibi debere esse dicis?

79 XXXII. Ego C. Caesarem non eadem de re publica sensisse quae me scio; sed tamen, quod iam de eo his audientibus saepe dixi, me ille sui totius consulatus eorumque honorum, quos cum proximis communicavit, socium esse voluit, detulit, invitavit, rogavit: non sum—propter nimiam fortasse constantiae cupiditatem—adductus ad causam; non postulabam, ut ei carissimus essem, cuius ego ne beneficiis quidem sententiam meam tradidissem. Adducta res in certamen te consule putabatur, utrum quae superiore anno ille gessisset manerent an rescinderentur. Quid loquar plura? Si tantum ille in me esse uno roboris et virtutis putavit, ut, quae ipse gesserat, conciderent, si ego restitissem,

[a] Catiline had plotted against the life of Torquatus in his consulship, 65.

[b] In 58, C. betrayed some intention of getting the acts of Caesar's consulship repealed, and it was to save these that Caesar consented to C.'s banishment.

the constitution, then he would take up arms. And 78
have you any recollection, miserable man, of the answer you gave?—an answer the insolence of which roused all your appellants, but Torquatus above all, to fury. You said that you could not rise to the courage which Torquatus[a] or myself had shown in our consulships; that there was no need of arms nor of a conflict; that it was in my power a second time to save the state by bowing to the storm; that my resistance would mean endless massacre; and finally he said that neither he nor his son-in-law nor his colleague would desert the tribune of the people. And now can a public enemy and traitor like yourself plead that you are the last man whom I should treat as an opponent?

XXXII. As to Gaius Caesar, I am aware that he 79
has not always shared my political sentiments; but none the less, as I have often said of him to my present audience, he wished me to be identified with the whole policy of his consulship, and in all the honours which he shared with his closest friends he desired my participation, laying them at my feet, and inviting and entreating my acceptance of them. A perhaps unreasonable regard for consistency prevented me from going over to his side; I did not wish to be on a footing of close attachment with one not even to whose kindnesses was I prepared to surrender my own convictions. In your consulship it is supposed that there was some conflict of opinion whether his enactments of the preceding year should remain in force or should be repealed.[b] What more need I say? If he thought that such peculiar vigour and virtue resided in me that my resistance would bring his enactments to the ground, surely I may

cur ego non ignoscam, si anteposuit suam salutem
80 meae? Sed praeterita mitto. Me ut Cn. Pompeius
omnibus studiis suis, laboribus, vitae periculis com-
plexus est, cum municipia pro me adiret, Italiae
fidem imploraret, P. Lentulo consuli, auctori sa-
lutis meae, frequens adsideret, senatus sententiam
praestaret, in contionibus non modo se defensorem
salutis meae, sed etiam supplicem pro me pro-
fiteretur, huius voluntatis eum, quem multum posse
intellegebat, mihi non inimicum esse cognorat,
socium sibi et adiutorem C. Caesarem adiunxit.
Iam vides me tibi non inimicum, sed hostem, illis,
quos describis, non modo non iratum, sed etiam
amicum esse debere? Quorum alter, id quod
meminero, semper aeque mihi amicus fuit ac sibi,
alter, id quod obliviscar, sibi aliquando amicior
81 quam mihi. Deinde hoc ita fit, ut viri fortes, etiam
si ferro inter se comminus decertarint, tamen illud
contentionis odium simul cum ipsa pugna armisque
deponant; neque me ille odisse potuit umquam, ne
tum quidem, cum dissidebamus: habet hoc virtus,
quam tu ne de facie quidem nosti, ut viros fortis
species eius et pulchritudo etiam in hoste posita
delectet.

XXXIII. Equidem dicam ex animo, patres con-
scripti, quod sentio et quod vobis audientibus saepe

make allowances for him if he placed his own interests
before mine! But I say no more of the past. When 80
Gnaeus Pompeius with his utmost zeal and energy,
and even at the risk of his life, espoused my cause;
when he was approaching the municipal towns on my
behalf, and interceding for the loyal support of Italy;
when he was constantly closeted with Publius Len-
tulus the consul and the upholder of my restoration;
when he was making himself the mouthpiece of the
senate, and at public meetings was avowing himself
not only the champion of my safety but a humble
interceder for me, he united with himself as assistant
and ally to this end one whom he knew to be influen-
tial, and whom he had learned to be not averse to
me; I mean Gaius Caesar. You see now that to you
I have good grounds for being not merely an opponent
but a foe, and not merely not resentful but even
friendly towards those to whom you refer. One of
these (and never shall I forget the fact) has been as
good a friend to me as to himself; while the other
(and I shall take no pains to remember the fact) was at
times a truer friend to himself than to me. Further- 81
more it commonly happens that brave men, after
being locked in fierce and deadly combat, lay aside
the hatred of the conflict when they cease from the
battle itself and discard their arms. And indeed Caesar
could never bring himself to hate me, even in the
moment of our dissension. It is the property of
virtue, which *you* know not even by sight, that her
aspect and her beauty charm the brave, even in an
enemy.

XXXIII. In truth, Conscript Fathers, I shall but
give sincere utterance to feelings to which in the
past I have given repeated expression in your

iam dixi: si mihi numquam amicus C. Caesar fuisset, si semper iratus, si semper aspernaretur amicitiam meam seque mihi implacabilem inexpiabilemque praeberet, tamen ei, cum tantas res gessisset gereretque cotidie, non amicus esse non possem, cuius ego imperium, non Alpium vallum contra ascensum transgressionemque Gallorum, non Rheni fossam gurgitibus illis redundantem, Germanorum
82 immanissimis gentibus obicio et oppono; perfecit ille, ut si montes resedissent, amnes exaruissent, non naturae praesidio, sed victoria sua rebusque gestis Italiam munitam haberemus. Sed cum me expetat, diligat, omni laude dignum putet, tu me a tuis inimicitiis ad simultatem revocabis? Sic tuis sceleribus rei publicae praeterita fata refricabis? Quod quidem tu, qui bene nosses coniunctionem meam et Caesaris, eludebas, cum a me trementibus omnino labris, sed tamen cur tibi nomen non deferrem requirebas. Quamquam, quod ad me attinet,

numquam istam imminuam curam infitiando tibi,

tamen est mihi considerandum quantum illi tantis rei publicae negotiis tantoque bello impedito ego homo amicissimus sollicitudinis atque oneris imponam; nec despero tamen, quamquam languet iuventus nec perinde atque debebat in laudis et gloriae cupiditate versatur, futuros aliquos qui abiectum hoc

[a] From Accius's tragedy *Atreus*.

hearing. Had Gaius Caesar never been my friend, had he shown unalterable resentment towards me, and behaved as my implacable and inexorable foe, even so I could not have felt otherwise than as a friend towards one who had achieved, and was still daily achieving, deeds so splendid; for it is not the rampart of the Alps, nor the Rhine which floods and foams between its trenched banks, but his command of our armies which I account our true shield and barrier against the ascent and invasion of the Gauls and the barbarous tribes of Germany. It is to him 82
we owe it that, should the mountains be levelled with the plain and the rivers be dried up, we should still hold our Italy fortified not by nature's bulwarks but by his victories and his exploits. But since he courts me, esteems me, thinks me worthy of every sort of praise, shall *you* call me from a feud with you back to a quarrel with him? Shall you thus by your crimes renew our country's long-past miseries? This result, though you were well aware of the close union between Caesar and myself, you tried to conjure away when you asked of me—with trembling lips, to be sure, but still you did ask—why I did not take proceedings against you? Although, as far as I am concerned,

I shall not ease your pang by weak disclaiming,[a]

still it is my duty to consider how heavy and anxious a responsibility I am asking my dear friend to bear, embarrassed as he already is by the grave affairs of state and by a formidable war. Yet I do not despair, though our youth is listless and does not live as it should in the pursuit of fame and glory, that there will be some who will not be

cadaver consularibus spoliis nudare non nolint, praesertim tam adflicto, tam inopi, tam infirmo, tam enervato reo; qui te ita gesseris, ut timeres ne indignus beneficio videreris, nisi eius, a quo missus eras, simillimus exstitisses.

83 XXXIV. An vero tu parum putas investigatas esse a nobis labis imperii tui stragisque provinciae? Quas quidem nos non vestigiis odorantes ingressus tuos, sed totis volutationibus corporis et cubilibus persecuti sumus; notata a nobis sunt et prima illa scelera in adventu, cum, accepta pecunia a Dyrrachinis ob necem hospitis tui Platoris, eius ipsius domum devertisti, cuius sanguinem addixeras, eumque, servis symphoniacis et aliis muneribus acceptis, timentem multumque dubitantem confirmasti et Thessalonicam fide tua venire iussisti: quem ne maiorum quidem more supplicio adfecisti, cum miser ille securibus hospitis sui cervices subicere gestiret, sed ei medico, quem tecum tum eduxeras, imperasti, ut venas
84 hominis incideret; cum quidem tibi etiam accessio fuit ad necem Platoris Pleuratus eius comes, quem necasti verberibus summa senectute confectum. Idemque tu Rabocentum, Bessicae gentis principem, cum te trecentis talentis regi Cotyi vendidisses, securi

[a] *i.e.*, by prosecuting Piso.
[b] P. Clodius.

averse from stripping this abandoned carcass of the spoils of its consulship,[a] especially when they have so shattered, so resourceless, so enfeebled, so nerveless a creature to put on trial—you, who have so acted as to show that you were afraid of being thought quite undeserving of any preferment, unless you could prove a perfect counterpart of him [b] who sent you to your province.

XXXIV. Or do you imagine that I have made 83
but a perfunctory scrutiny into the blots that stain your command and the havoc you have wrought in your province? Not as sleuth-hounds upon the trail have I tracked your mere footsteps; no, every wriggle of your body, every print upon your every resting-place, has been for me a clue that I have followed to the death. Careful note has been taken by me even of those crimes that stained your earliest arrival, when you were bribed by the people of Dyrrachium to murder Plator your host, when you sojourned at the house of the very man whose life-blood you had bargained away, and when, after accepting from him slave-musicians and other presents, you reassured his fears and deep misgivings, and invited him to visit Thessalonica under the security of your protection. And though the wretched man was ready to bow his neck to the axe of his guest, you were not content with the ancient and approved method of execution, but ordered the physician whom you had taken out with you to open
his veins. To the murder of Plator you added that 84
of Pleuratus his friend, whom you scourged to death, worn out though he was with extreme old age. You also, having sold yourself for the purpose for three hundred talents to King Cotys, beheaded Rabo-

percussisti, cum ille ad te legatus in castra venisset et tibi magna praesidia auxilia a Bessis peditum equitumque polliceretur, neque eum solum, sed etiam ceteros legatos, qui simul venerant; quorum omnium capita regi Cotyi vendidisti. Denseletis, quae natio semper oboediens huic imperio etiam in illa omnium barbarorum defectione Macedoniam C. Sentio praetore tutata est, nefarium bellum et crudele intulisti, eisque cum fidelissimis sociis uti posses, hostibus uti acerrimis maluisti. Ita perpetuos defensores Macedoniae vexatores ac praedatores effecisti: vectigalia nostra perturbarunt, urbis ceperunt, vastarunt agros, socios nostros in servitutem abduxerunt, familias abripuerunt, pecus abegerunt, Thessalonicensis, cum oppido desperassent, munire arcem coëgerunt.
85 XXXV. A te Iovis Urii fanum antiquissimum barbarorum sanctissimumque direptum est; tua scelera di immortales in nostros milites expiaverunt; qui cum uno genere morbi adfligerentur neque se recreare quisquam posset, qui semel incidisset, dubitabat nemo quin violati hospites, legati necati, pacati atque socii nefario bello lacessiti, fana vexata hanc tantam efficerent vastitatem.

Cognoscis ex particula parva scelerum et crude-
86 litatis tuae genus universum. Quid avaritiae, quae

[a] In 88.

[b] Ζεὺς οὔριος (giver of prosperity).

centus, a chieftain of the Bessic tribe, when he had come as a delegate to your camp to promise you strong garrisons and auxiliaries of horse and foot from the Bessi; and not him alone, also all his fellow-delegates whose lives you sold to King Cotys. Against the Denseleti, a tribe which has always been submissive to this empire, and which even at the general rising of the barbarians preserved Macedonia when Gaius Sentius was praetor,[a] you waged an abominable and piteous war, and though you might have had them for your trusted allies, you preferred to treat them as your bitterest foes. In this way you turned into plunderers and marauders the men who might have been the permanent defenders of Macedonia; they threw our revenues into confusion, they captured our cities, they laid waste our lands, they led away our allies into slavery, they carried off whole households, they drove off cattle, and they compelled the people of Thessalonica, who despaired of saving their town, to fortify
their citadel. XXXV. You it was who sacked the 85
temple of Jupiter Urius,[b] most ancient and most venerated of all the barbarian shrines. Yours are the crimes which the immortal gods have expiated upon our troops; attacked, as they were, by a single form of disease, when no one, who had once fallen sick, was able to recover, no one had any doubt that it was the violation of hospitality, the murders of delegates, the war wantonly and wickedly waged against peaceable allies, and the plundering of temples, which were responsible for this devastating pestilence.

You may recognize in this brief selection the general nature of your wickedness and cruelty.

criminibus infinitis implicata est, summam nunc explicem? Generatim ea, quae maxime nota sunt, dicam: nonne sestertium centiens et octogiens, quod quasi vasarii nomine in venditione mei capitis ascripseras, ex aerario tibi attributum, Romae in quaestu reliquisti? Nonne, cum cc[1] talenta tibi Apolloniatae Romae dedissent, ne pecunias creditas solverent, ultro Fufidium, equitem Romanum, hominem ornatissimum, creditorem debitoribus suis addixisti? Nonne, hiberna cum legato praefectoque tuo tradidisses, evertisti miseras funditus civitates, quae non solum bonis sunt exhaustae, sed etiam nefarias libidinum contumelias turpitudinesque subierunt? Qui modus tibi fuit frumenti aestimandi? Qui honorarii? Si quidem potest vi et metu extortum honorarium nominari. Quod cum peraeque omnes, tum acerbissime Boeotii et Byzantii, Cherronesus et Thessalonica sensit. Unus tu dominus, unus aestimator, unus venditor tota in provincia per triennium frumenti omnis fuisti.

87 XXXVI. Quid ego rerum capitalium quaestiones, reorum pactiones, redemptiones, acerbissimas damnationes, libidinosissimas liberationes proferam? Tantum locum aliquem cum mihi notum esse senseris, tecum ipse licebit quot in eo genere et quanta sint

[1] c *some MSS.*

[a] *i.e.*, they bribed Piso to let them repudiate their debt to Fufidius.

[b] A sum of money was allowed to a governor by the Senate for his household's maintenance; this was based on a fixed price for corn and an estimate of the amount of corn required. In times of low prices, or if the governor could compound with the farmers for a low price, he could pocket the surplus. C. says that Verres (*In Verr.* iii. 81) took a larger amount of corn than the official estimate, and made something on every bushel thus taken.

What need for me to lay bare the full tale of your 86 avarice, intertwined as it is with the endless catalogue of your crimes? I will content myself with alluding in general terms to a few notorious examples. Did you not leave to be put out to usury in Rome the eighteen millions of sesterces which had been paid to you from the treasury, nominally as your outfit-money, but really the price for which my life had been bought? After the people of Apollonia had paid you two hundred talents at Rome to gain exemption from their just debts, did you not deliberately sell the accomplished Roman knight Fufidius to them—the creditor to his debtors?[a] Did you not, after handing over your winter quarters to your lieutenant and your prefect, utterly destroy those wretched communities, which were not only utterly drained of all their wealth but which also were forced to submit to the unspeakable and abominable degradation of your lustfulness? What was your method of valuing corn[b] or your complimentary gifts—if indeed those can be called complimentary which were extorted by threats and violence? These excesses were felt with equal acuteness by all, but most bitterly by the Boetians, the Byzantines, the Chersonese, and Thessalonica. For three years you were sole master, sole valuer, sole retailer of all the corn in the entire province.

XXXVI. What need for me to adduce your in- 87 vestigations into capital charges, your bargains with defendants, your selling of justice, your savage condemnations and your capricious acquittals? Realizing as you must that I am acquainted with but a bare fraction of the whole, you may recollect for yourself the number and enormity of your offences under this

crimina recordere. Quid? illam armorum officinam
ecquid recordaris, cum omni totius provinciae pecore
compulso pellium nomine omnem quaestum illum
domesticum paternumque renovasti? Videras enim
grandis iam puer bello Italico repleri quaestu vestram
domum, cum pater armis faciendis tuus praefuisset.
Quid? vectigalem provinciam, singulis rebus, quae-
cumque venirent, certo portorio imposito, servis tuis
88 a te factam esse meministi? Quid? centuriatus
palam venditos? Quid? per tuum servolum ordines
adsignatos? Quid? stipendium militibus per omnis
annos a civitatibus, mensis palam propositis, esse
numeratum? Quid illa in Pontum profectio et cona-
tus tuus? Quid debilitatio atque abiectio animi tui,
Macedonia praetoria nuntiata, cum tu non solum,
quod tibi succederetur, sed quod Gabinio non suc-
cederetur, exsanguis et mortuus concidisti? Quid
quaestor aediliciis reiectis praepositus? Legatorum
tuorum optimus abs te quisque violatus? Tribuni
militares non recepti? M. Baebius, vir fortis, inter-
89 fectus iussu tuo? Quid? quod tu totiens diffidens ac
desperans rebus tuis, in sordibus, lamentis luctuque
iacuisti? Quod populari illi sacerdoti sescentos ad
bestias socios stipendiariosque misisti? Quod, cum
sustentare vix posses maerorem tuum doloremque

[a] *i.e.*, P. could requisition hides, but he took the animals too, a true son of his father, the war-profiteer.
[b] The Social War, 91–89.
[c] *i.e.*, slaves were allowed to collect the duty.
[d] Clodius, so called in ironical reference to the Bona Dea scandal.

head. Do you recall anything of that arms-factory
where, by rounding up all the cattle of the whole
province under the name of hides,[a] you re-enacted all
that profiteering which was a domestic legacy from
your father? for, when already a grown-up youth,
you had seen your home choked full of the profits
made by your father in the Italian war,[b] when he was
in charge of munitions. Again, do you remember
that your province was made tributary to your slaves[c]
by the imposition of a fixed import-duty upon every
single article that came into the market? And the 88
centurionships that you openly sold—what of them?
What of the precedences dispensed by your slave-
minion? What of the pay counted out to your
troops throughout all those years by the states, upon
tables set out under the public gaze? What of your
journey to Pontus and your venture there? What of
your mental prostration and despair when news came
that Macedonia was made a praetorian province,
when you turned pale and went into a dead faint, not
only because you were being superseded, but because
Gabinius was not? What of the fact that you passed
over your ex-aedile subordinates, and gave the charge
of the province to a quaestor? That you insulted
all the best of your lieutenants, and refused to receive
the military tribunes, while it was at your orders that
the brave Marcus Baebius was put to death? What 89
of all the occasions when, racked by misgiving and
despair, you collapsed in abject and grief-stricken
lamentation? What of your act in dispatching to
that priest,[d] the idol of the people, legions of our
friends and allies to be exposed to wild beasts? What
of the fact that, scarce able to support your grief
and chagrin on your departure from the province,

decessionis, Samothraciam te primum, post inde Thasum cum tuis teneris saltatoribus et cum Autobulo, Athamante, Timocle, formosis fratribus, contulisti ? Quod, inde te recipiens, in villa Euchadiae, quae fuit uxor Execesti, iacuisti maerens aliquot dies, atque inde obsoletus Thessalonicam omnibus inscientibus noctuque venisti ? Quod, cum concursum plorantium ac tempestatem querellarum ferre non posses, in oppidum devium Beroeam profugisti ; quo in oppido cum tibi spe falsa, quod Q. Ancharium non esse successurum putares, animos rumor inflasset, quo te modo ad tuam intemperantiam, scelerate, innovasti ?

90 XXXVII. Mitto aurum coronarium, quod te diutissime torsit, cum modo velles, modo nolles. Lex enim generi tui et decerni et accipere vetabat nisi decreto triumpho : in quo tu, accepta tamen et devorata pecunia, ut in Achaeorum centum talentis, evomere non poteras, vocabula tantum pecuniarum et genera mutabas. Mitto diplomata tota in provincia passim data ; mitto numerum navium summamque praedae ; mitto rationem exacti imperatique frumenti ; mitto ereptam libertatem populis ac singulis, qui erant adfecti praemiis nominatim, quorum nihil est quod non sit lege Iulia ne fieri liceat sanctum diligenter.

91 Aetoliam, quae procul a barbaris disiuncta gentibus,

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[a] Presented by provincials to a retiring governor.

[b] *Lex Iulia de Repetundis.*

you made your way first to Samothrace and then to Thasos with your effeminate retinue of dancers and with those pretty brothers, Autobulus, Athamas, and Timocles ? That on leaving Thasos you spent days of listless dejection at the villa of Euchadia, who had been the wife of Execestus, and thence, disguising yourself in ragged garments, came by night to Thessalonica without telling anyone ? That here, unable to endure the crowds who besieged you with their wailing and bombarded you with their complaints, you took refuge at the town of Beroea which lay off your road ? And how in that town, elated by a rumour which filled you with a delusive hope that Quintus Ancharius would not succeed you, you relapsed, wretch, into all your old excesses ?

XXXVII. I say nothing of the gold collected for 90
the crown,[a] and how you hovered in tormenting indecision whether to take it or no ; for your son-in-law's measure [b] forbade that it should be decreed or accepted, unless a triumph were decreed. But in respect of this, as in the case of the hundred talents of the Achaeans, you could not bring yourself to disgorge money that you had already received and engulfed ; you merely changed the names and descriptions of the various sums. I say nothing of the licences which you scattered broadcast over the province, the tale of ships which you requisitioned or the sum-total of your spoils, I say nothing of your system of levying and commandeering corn, nothing of your robbing both communities and individuals of their liberties, though they had received them expressly as rewards—all offences which are explicitly forbidden by the law of Julius.

Aetolia, far removed from barbarian tribes, lying 91

in sinu pacis posita, medio fere Graeciae gremio continetur, o Poena et Furia sociorum! decedens miseram perdidisti. Arsinoēn, Stratum, Naupactum, ut modo tute indicasti, nobilis urbis atque plenas, fateris ab hostibus esse captas. Quibus autem hostibus? Nempe eis, quos tu Ambraciae sedens, primo tuo adventu ex oppidis Agrianum atque Dolopum demigrare et aras et focos relinquere coëgisti. Hoc tu in exitu, praeclare imperator, cum tibi ad pristinas cladis accessio fuisset Aetoliae repentinus interitus, exercitum dimisisti, neque ullam poenam, quae tanto facinori deberetur, non maluisti subire quam numerum tuorum militum reliquiasque recognoscere.

92 XXXVIII. Atque ut duorum Epicureorum similitudinem in re militari imperioque videatis, Albucius, cum in Sardinia triumphasset, Romae damnatus est: hic cum similem exitum exspectaret, in Macedonia tropaea posuit; eaque, quae bellicae laudis victoriaeque omnes gentes insignia et monumenta esse voluerunt, noster hic praeposterus imperator amissorum oppidorum, caesarum legionum, provinciae praesidio et reliquis militibus orbatae ad sempiternum dedecus sui generis et nominis funesta indicia constituit; idemque, ut esset quod in basi tropaeorum inscribi incidique posset, Dyrrachium ut venit decedens, obsessus est ab eis ipsis militi-

in the lap of peace, reposes snugly almost at the very heart of Greece; but you, scourge and destructive demon of our allies, ruined that unhappy land by your departure. Arsinoë, Stratus, Naupactus, splendid and wealthy cities, were on your own admission—in fact you called our attention to the affair just now—captured by the enemy. And who was that enemy? Why, the very enemy whom you, while quartered at Ambracia on your first arrival, compelled to evacuate the towns of the Agrianes and the Dolopes and to abandon their altars and their hearths! At that departure, O illustrious Imperator, when to crown all previous disasters had come the sudden ruin of Aetolia, you disbanded your army; and there is no penalty that might be due to such guilt which you did not prefer to incur rather than to pass in review the miserable remnant of your army.

XXXVIII. And that you, Conscript Fathers, may 92
be enabled to note the close resemblance in military and imperial conduct of our two Epicurean generals, I would remind you that Albucius, after winning a triumph in Sardinia, was found guilty at Rome. Piso, though he anticipated a like fate, set up trophies in Macedonia; and the things which all nations have designed to be the emblems and memorials of glory and victory in war were by this parody of an Imperator of ours made the fixed and fatal evidences of lost towns, massacred legions, a province stripped of its garrison and all its remaining troops, to the undying disgrace of his family and his name; and then, that he might have something to inscribe and engrave on the pedestal of his trophies, when on his return he came to Dyrrachium, he was besieged by the very soldiers who, as he recently said in reply

bus, quos paulo ante Torquato respondit beneficii
93 causa a se esse dimissos; quibus cum iuratus adfirmasset se quae deberentur postero die persoluturum, domum se abdidit; inde nocte intempesta, crepidatus, veste servili navem conscendit Brundisiumque vitavit et ultimas Hadriani maris oras petivit: cum interim Dyrrachii milites domum, in qua istum esse arbitrarentur, obsidere coeperunt et, cum latere hominem putarent, ignis circumdederunt: quo metu commoti Dyrrachini profugisse noctu crepidatum imperatorem indicaverunt; illi autem statuam istius persimilem, quam stare celeberrimo in loco voluerat, ne suavissimi hominis memoria moreretur, deturbant, adfligunt, comminuunt, dissipant. Sic odium, quod in ipsum attulerant, id in eius imaginem ac simulacrum profuderunt.

94 Quae cum ita sint—non enim dubito quin cum haec, quae excellunt, me nosse videas, non existimes mediam illam partem et turbam flagitiorum tuorum mihi esse inauditam,—nihil est quod me hortere, nihil quod invites. Admoneri me satis est; admonebit autem nemo alius nisi rei publicae tempus; quod mihi quidem magis videtur quam tu umquam arbitratus es appropinquare: XXXIX. ecquid vides, ecquid sentis lege iudiciaria lata quos posthac iudices simus habituri? Neque legetur, quisquis voluerit, nec, quisquis

[a] *i.e.*, "for me to prosecute you."

[b] A law passed by Pompey in the year this speech was delivered had raised the property qualification of jurors, with the result, C. suggests, that those empanelled would be under less temptation to sell their votes.

to Torquatus, had been disbanded by him as an act of kindness. Having assured these soldiers on oath 93 that he would on the next day pay every penny due to them, he retired to the shelter of his house; and then, at dead of night, in slippers, in the garb of a slave, he went aboard, and, avoiding Brundisium, made for the remotest shores of the Adriatic; while in the meantime the soldiers at Dyrrachium began to beset the house in which they thought he was, and, imagining that he lay concealed there, set fire to it. The people of Dyrrachium were alarmed at the uproar, and disclosed the fact that the Imperator had decamped by night in slippers. The troops then proceeded to overthrow, smash, grind to powder, and scatter to the winds a statue—an excellent likeness of the original—which Piso had desired to be erected in a busy spot, in order that the memory of so sweet a gentleman might not perish. Thus the hatred which they had hoped to wreak upon the man himself was vented by them upon his likeness and effigy.

In face of all these facts—for, in view of my ac- 94 quaintance with the more outstanding, you can surely not imagine that the ordinary rank and file of your misdemeanours has escaped my hearing—there is no need for your encouragement, no need for your invitation.[a] That I be reminded is enough; but this reminder none other shall address to me save that crisis in public affairs which seems to me to be more imminent than you have ever dreamed. XXXIX. Do you at all perceive, do you at all realize, whom we are likely to have as jurymen hereafter, now that the law[b] regulating judicial procedure is passed? Willingness to serve will not

noluerit, non legetur. Nulli conicientur in illum ordinem, nulli eximentur: non ambitio ad gratiam, non iniquitas ad aemulationem[1] conitetur: iudices iudicabunt ei, quos lex ipsa, non quos hominum libido delegerit. Quod cum ita sit, mihi crede, neminem invitum invitabis: res ipsa et rei publicae tempus aut me ipsum, quod nolim, aut alium quempiam aut invitabit aut dehortabitur.

95 Equidem, ut paulo ante dixi, non eadem supplicia esse in hominibus existimo, quae fortasse plerique, damnationes, expulsiones, neces: denique nullam mihi poenam videtur habere id, quod accidere innocenti, quod forti, quod sapienti, quod bono viro et civi potest. Damnatio ista, quae in te flagitatur, obtigit P. Rutilio, quod specimen habuit haec civitas innocentiae: maior mihi iudicum et rei publicae poena illa visa est quam Rutilii. L. Opimius eiectus est e patria, is qui praetor et consul maximis rem publicam periculis liberarat: non in eo cui facta est iniuria, sed in eis, qui fecerunt, sceleris et conscientiae poena permansit. At contra bis Catilina absolutus est; emissus etiam ille auctor tuus provinciae, cum stuprum Bonae deae pulvinari-

[1] aemulationem *madvig for MSS.* insimulationem.

[a] C. is explaining why he does not prosecute Piso: "instead of saying that he dared not . . . he has some silly talk about innocent men being convicted," Long.

[b] Clodius.

constitute a qualification, any more than unwillingness a ground of exemption. None will be arbitrarily pushed into the order of jurymen, none arbitrarily excluded. Vain will be the efforts of intrigue to make interest for itself, vain the efforts of prejudice to create rivalry; the men who will sit to give their verdict will be men selected by the law, not by human caprice. In this condition of affairs you will not, I assure you, have to wheedle a reluctant prosecutor to his task. The case itself and the call of the common weal will summon or dissuade, as the situation may demand, either myself or, as I should much prefer, some other.

For my own part,[a] as I said earlier, the accidents 95
that to, perhaps, the generality of men are supposed to constitute punishments—condemnation, for instance, or banishment, or death—I count as no punishments at all; more, I hold that no punishment is involved in an event which may happen to the innocent, the brave, the wise, or to one who is a true man and a true citizen. That condemnation which is demanded for you befell Publius Rutilius, in whom our society found its ideal of irreproachable conduct; and I think that it was not upon Rutilius that the punishment fell so much as upon his jury and upon the state. Lucius Opimius was driven forth from his country—the man who, as praetor and as consul, had delivered the commonwealth from dire peril; but the retribution that endures—the guilt, I mean, and the consciousness of guilt—cleaves not to the victim but to the perpetrators of that outrage. Catiline on the other hand was twice acquitted; acquitted too was he to whom you owe your province,[b] after he had defiled with his adulteries the couches of the

bus intulisset: quis fuit in tanta civitate qui illum incesto liberatum, non eos, qui ita iudicarint, pari
96 scelere obstrictos arbitraretur? XL. An ego exspectem dum de te quinque et septuaginta tabellae diribeantur, de quo iam pridem omnes mortales omnium generum, aetatum, ordinum iudicaverunt? Quis enim te aditu, quis ullo honore, quis denique communi salutatione dignum putet? Omnes memoriam consulatus tui, facta, mores, faciem denique ac nomen a re publica detestantur: legati, qui una fuere, alienati; tribuni militum inimici; centuriones, et si qui ex tanto exercitu reliqui milites exstant, non dimissi abs te, sed dissipati, te oderunt, tibi pestem exoptant, te exsecrantur. Achaia exhausta, Thessalia vexata, laceratae Athenae, Dyrrachium et Apollonia exinanita, Ambracia direpta, Parthini et Bulienses inlusi, Epirus excisa, Locri, Phocii, Boeotii exusti, Acarnania, Amphilochia, Perraebia Athamanumque gens vendita, Macedonia condonata barbaris, Aetolia amissa, Dolopes finitimque montani oppidis atque agris exterminati, cives Romani, qui in eis locis negotiantur, te unum solum suum sociorumque depeculatorem, vexatorem, praedonem, hostem

[a] Apparently the regular number of jurors empanelled at this date.

Good Goddess. But who was there in all our numerous community who imagined that he was freed thereby from the guilt of incest, or who did not think that the authors of that verdict were themselves tied and bound by a guilt no less heinous?

XL. Or am I to wait until five-and-seventy[a] 96
voting-tablets are sorted into ayes and noes to determine your fate, when upon you every mortal creature of every class, every age, every rank of society, has long since given his pronouncement? For who is there who considers you a fit person to be approached, to be in any way distinguished, or even to be greeted with ordinary civility? All expunge from the state the hateful memory of your consulship, your every act and quality, your very face and name. The lieutenants who served with you are estranged from you, your military tribunes are your enemies, while your centurions, and any soldiers who may yet survive from that great army which you dispersed rather than disbanded, detest you, invoke a murrain upon you, call down curses upon your head. Achaea drained, Thessaly harried, Athens mutilated, Dyrrachium and Apollonia desolated, Ambracia looted, the Parthini and the people of Bulis mocked, Epirus wasted, Locris, Phocis, and Boeotia gutted, Acarnania, Amphilochia, Perraebia, and the Athamanes sold, Macedonia made a free gift to the barbarians, Aetolia lost, the Dolopes and the mountaineers upon their borders driven from their towns and fields, and Roman citizens who have commercial dealings in those countries,—all these felt that it was as an arch-peculator of themselves and their allies, an arch-plunderer, an arch-robber, and an arch-foe that you came into their midst.

97 venisse senserunt. Ad horum omnium iudicia tot atque tanta domesticum iudicium accessit sententiae et damnationis tuae: occultus adventus, furtivum iter per Italiam, introitus in urbem desertus ab amicis, nullae ad senatum e provincia litterae, nulla ex trinis aestivis gratulatio, nulla triumphi mentio: non modo quid gesseris, sed ne quibus in locis quidem fueris dicere audes. Ex illo fonte et seminario triumphorum cum arida folia laureae rettulisses, cum ea abiecta ad portam reliquisti, tum tu ipse de te FECISSE VIDERI pronuntiavisti. Qui si nihil gesseras dignum honore, ubi exercitus? ubi sumptus? ubi imperium? ubi illa uberrima supplicationibus triumphisque provincia? Sin autem aliquid speraveras, si cogitaras id, quod imperatoris nomen, quod laureati fasces, quod illa tropaea plena dedecoris et risus te commentatum esse declarant, quis te miserior, quis te damnatior, qui neque scribere ad senatum a te bene rem publicam esse gestam neque praesens dicere ausus es?

98 XLI. An tu mihi, cui semper ita persuasum fuerit, non eventis, sed factis cuiusque fortunam ponderari, neque in tabellis paucorum iudicum, sed in sententiis omnium civium famam nostram fortunamque pen-

Lastly, to clinch these grave and numerous pronouncements, the verdict of "Guilty" is confirmed by the pronouncement you have passed against yourself—your secret arrival, your stealthy passage across Italy, your entry into the city when not a friend acclaimed you, the absence of any dispatch to the senate from your province, and of any congratulatory message after three years of campaigning, and your silence as regards a triumph; you cannot bring yourself to tell us not only what you did, but even where you were. And when from that famous source and nursery of triumphs you had brought back to us a few withered leaves of bay which you cast away and abandoned by the gate, then too out of your own mouth you uttered against yourself the word "Guilty." Granted that you yourself had done nothing worthy of honour, what had you done with your army, your funds, your authority, your province that was so fair a field for thanksgivings and for triumphs? But if you *had* ventured to cherish some hope, if you *did* nurse those dreams which your name of Imperator, your laurelled fasces, and those trophies which brought you nothing but disgrace and ridicule prove you to have entertained, then who more wretched, who more utterly condemned than yourself, who neither ventured to write to the senate of your success in the affairs of state, nor to tell them of it in their presence? 97

XLI. Or do you think that to me, with whom it has ever been a conviction that each man's career should be assessed by his actions and not by their results, and that it is not by the voting-tablets of a handful of jurymen but by the judgements of the general body of our citizens that our fame and our 98

dere, te indemnatum videri putas, quem socii, quem foederati, quem liberi populi, quem stipendiarii, quem negotiatores, quem publicani, quem universa civitas, quem legati, quem tribuni militares, quem reliqui milites, qui ferrum, qui famem, qui morbum effugerunt, omni cruciatu dignissimum putent? Cui non apud senatum, non apud ullum ordinem, non apud equites Romanos, non in urbe, non in Italia, maximorum scelerum venia ulla ad ignoscendum dari possit? Qui se ipse oderit, qui metuat omnis, qui suam causam nemini committere audeat, qui se ipse condemnet?

99 Numquam ego sanguinem expetivi tuum; numquam illud extremum, quod potest esse improbis et probis commune, supplicium legis ac iudicii, sed abiectum, contemptum, despectum a ceteris, a te ipso desperatum et relictum, circumspectantem omnia, quicquid increpuisset pertimescentem, diffidentem tuis rebus, sine voce, sine libertate, sine auctoritate, sine ulla specie consulari, horrentem, trementem, adulantem omnis videre te volui: vidi. Qua re si tibi evenerit quod metuis ne accidat, equidem non moleste feram; sin id tardius forte fiet, fruar tamen tua indignitate, nec minus libenter metuentem videbo ne reus fias quam reum, nec minus laetabor, cum te semper sordidum quam si paulisper sordidatum viderem.

[a] *Sordidus* is a general epithet to describe an outcast such as C. has just pictured; *sordidatus* denotes the attire and disorder adopted by defendants to enlist sympathy.

fortune should be weighed,—do you think that to me you can appear anything but condemned, when our allies, when all communities whether federated, free, or tributary, when the merchants, the tax-farmers, the whole of our civic community, the lieutenants, the military tribunes, and all the remnant of your troops who have escaped the sword or famine or disease, account you worthy of every torment; when neither before the senate nor before the knights of Rome nor before any order of society, neither in the city nor in Italy, can any extenuating circumstances be adduced to procure indulgence for your enormous crimes; when you loathe your own self, fear all your fellow-men, will venture to entrust your cause to none, and, in a word, pass verdict of "Guilty" upon yourself?

Never have I thirsted for your blood; never have 99 I invoked against you that final execution of law and judgement which may visit the just and the unjust alike. But to see you abject, despised, scorned by your fellows, a thing that despairs of itself and lives abandoned by itself, that peers into every corner and quakes at every whisper, that lives mistrustful of itself, without voice, liberty or authority, stripped of its consular pride, a shivering, trembling, fawning wretch—this have I desired to see you; and my desire has been gratified. Therefore if the blow you fear falls at last upon you, I shall not take it amiss; but should that blow be perchance deferred, your humiliation will yet be mine to enjoy; I shall be as well pleased to see you in daily dread of impeachment as if you were actually impeached; nor shall I be less glad to see you always a mean object of men's pity than if for a brief while you claimed that pity by your garb.[a]

THE SPEECH ON BEHALF OF MARCUS AEMILIUS SCAURUS

INTRODUCTION

I CANNOT better introduce this interesting but mutilated speech than by translating (with omissions) Asconius's argument:

"M. Scaurus was the son of the Scaurus who was *princeps senatus*, and stepson of Sulla. As aedile he had spent money so lavishly as to impair his wealth and contract vast debts. As propraetor he held the province of Sardinia, where he was reported to have acted with rapacity and arrogance. For some time he was an advocate at the bar, and after retiring from his province was counsel to C. Cato and won his acquittal. While standing as candidate for the consulship, complaints were laid against him by the Sardinians, and he was arraigned for extortion by P. Valerius Triarius before M. Cato the praetor, Triarius being assisted in the case by L. Marius and Q. Pacuvius. They were accorded thirty days to pursue investigations in Sardinia and thirty in Corsica, but did not visit the islands, alleging as their excuse that the consular elections would take place in the meantime, when they were afraid lest Scaurus might use the money he had wrested from the allies to purchase the consulship, and despoil other provinces before he could be made to render an account of his previous governorship. Scaurus relied on his father's reputation and his intimacy with Pompey. He feared,

however, that Cato's friendship with Triarius might influence him to give a conviction. Scaurus was defended by six counsel—an exceptionally large number—P. Clodius Pulcher, M. Marcellus, M. Calidius, M. Cicero, M. Messala Niger, Q. Hortensius. Scaurus also spoke himself, and deeply moved the jury by his squalor and tears, reminding them of his open-handed aedileship and his father's reputation.

"Nine ex-consuls deposed to the defendant's good character, among them Pompey, who, being proconsul, made his deposition in writing.

"Votes were registered by twenty-two senators, twenty-three *equites*, and twenty-five *tribuni aerarii*; of these four senators, two *equites*, and two *tribuni* voted for conviction.

"As the trial was held in warm weather, Cato presided wearing no tunic beneath his gown, asserting as his authority the fact that Romulus and Tatius were represented in this garb in their statues on the Capitol."

The prosecution of Scaurus took place in 54. It seems to have had electioneering interests at Rome rather than redress for the Sardinians behind it. Gaius Claudius Pulcher was expected back from his province of Asia to stand for the consulship against him, and Scaurus had, at the outset, the influence of Appius Claudius, the consul, Gaius's brother, to contend against. Gaius, however, had his provincial command prorogued, so Appius's hostility was withdrawn.

Cicero makes skilful use of the damaging fact that the prosecution had neglected to visit Sardinia and collect evidence on the spot (§§ 27 *seq.*). Asconius tells us that the reason alleged for this was that the

time occupied in this might delay the trial until Scaurus was already consul-elect, when he would be immune from prosecution on this charge.

The large majority by which Scaurus was acquitted convinces us not so much of his innocence (for he had a bad reputation) as of the effectiveness of Cicero's appeal to the national prejudices of the jury. The Sardinians were of Phoenician stock: the Phoenicians were proverbially perfidious: *ergo*, no Sardinian could be other than a liar.

The two large fragments which compose nearly the whole speech as we possess it are found in two palimpsests—*Ambrosianus*,[a] discovered by Angelo Mai, and *Taurinensis*,[b] discovered by Armadeo Peyron. A handful of sentences has been gleaned from the writings of grammarians and others.

I have printed in italics in my text, and embodied in my translation within square brackets, Beier's supplements,[c] wherever they are useful in piecing together the sense of disconnected passages.

I add a few facts concerning the sources from which the smaller fragments are drawn.

St. Augustine, Bishop of Hippo, quotes the opening sentence in his *De Rhetorica*.

Severianus: rhetorician under Hadrian, author of *Praecepta artis rhetoricae*.

Martianus Capella: born at Carthage in fifth century, compiled a kind of Encyclopaedia of Science, Mathematics, and Literature, highly esteemed in the Middle Ages.

Arusianus Messius: grammarian of fifth century,

[a] *A* in critical notes. [b] *T* in critical notes.

[c] Included in Orelli's edition published at Leipzig, 1825.

author of a phrase-book entitled *Quadriga*, as being composed from the works of four authors, Virgil, Sallust, Terence, and Cicero.

Servius (*flor.* latter half of fourth century): the celebrated commentator on Virgil.

Ammianus Marcellinus: "the last subject of Rome who composed a profane history in the Latin language" (Gibbon); approximate date, 330–390.

Priscianus: grammarian of fifth century, lived at Constantinople, probably a Christian.

Eugraphius: grammarian of tenth century, composed a commentary on Terence.

Isidorus, Bishop of Seville, died about 636 A.D., wrote an encyclopaedic work entitled *Origines*.

ORATIO PRO M. AEMILIO SCAURO

1 I. Maxime fuit optandum M. Scauro, iudices, ut nullo suscepto cuiusquam odio sine offensione ac molestia retineret, id quod praecipue semper studuit, generis, familiae, nominis dignitatem. (Augustinus.) *Verum tamen, quoniam ita tulit casus infestus, non recusandum sibi arbitratur quo minus eadem fortuna utatur qua pater : qui saepe numero ab inimicis ad causae dictionem vocatus est. . . .*

Subiit etiam populi iudicium inquirente Cn. Domitio tribuno plebis. . . . (Ascon.)

2 Reus est factus a Q. Servilio Caepione lege Servilia, cum iudicia penes equestrem ordinem essent et P. Rutilio damnato nemo tam innocens videretur, ut non timeret illa. . . . (Ascon.)

3 Ab eodem etiam lege Varia custos ille rei publicae proditionis est in crimen vocatus : vexatus a Q. Vario tribuno plebis est non multo ante. . . . (Ascon.)

[a] Consul 115, censor 109, *princeps senatus* for twenty-five years, convicted of scandalous corruption in war with Jugurtha (111).

[b] Scaurus was charged by Domitius with having neglected the ceremonies as augur, 104.

[c] *Lex Serv. Glauciae* (111) facilitated legal action against provincial governors for extortion. Rutilius was an irreproachable senator convicted under it by an equestrian jury (92).

THE SPEECH ON BEHALF OF MARCUS AEMILIUS SCAURUS

[Delivered before a Court of Inquiry, 54]

I. What Marcus Scaurus, gentlemen of the jury, 1 might most have prayed for was to retain, as he has ever been most anxious to do, the dignity of his race, his family, his reputation, without incurring the hatred of any or being the source of any offence or annoyance. [But since an unhappy destiny has so determined, it is not for him, he thinks, to shrink from meeting the same fortune as his father,[a] who was repeatedly called upon by his foes to plead in his own defence.] . . .

He also underwent trial before the people at the instance of Gnaeus Domitius,[b] tribune of the plebs. . . .

He was prosecuted by Quintus Servilius Caepio 2
under the Servilian Law,[c] at a time when the courts were in the hands of the equestrian order, and when, after the condemnation of Publius Rutilius, no one seemed so irreproachable as to be immune from fear of those courts. . . .

By the same prosecutor that guardian of the re- 3
public was also indicted for treason under the Varian Law[d]; while shortly before he was assailed by Quintus Varius, tribune of the plebs. . . .

[d] Set up a commission to try for treason those who supported Italian demand for franchise (91).

4 Non enim tantum admiratus sum ego illum virum, sicut omnes, sed etiam praecipue dilexi : primus enim me flagrantem studio laudis in spem impulit, posse virtutem sine praesidio fortunae quo contendisset labore et constantia pervenire. . . . (Ascon.)

Et quoniam congesta fuit accusatio magis acervo quodam criminum, non distinctione aliqua generum et varietate . . . (Severianus.)

1 II. Bostarem igitur quendam Norensem fugientem e Sardinia Scauri adventum *Triarius criminatur huius malitiosis blanditiis e fuga revocatum atque hospitali mensae adhibitum veneno ab hospite necatum esse et* prius illum sepultum quam huic cenam sublatam.
2 (Severianus.) *Quae veneni dati suspitio, iudices, primum quam levis sit statim apparebit, si considerare volueritis* ex quibus causis mors eveniat repentina. . . . (Martianus Capella.)

3 *In ea Scaurus fortuna erat constitutus, ut non modo suas possessiones facillime retineret, verum etiam nova posset acquirere potius bona* quam quod habebat *v*eniret. Agedum, ego defendi Scau*rum*, Triari ! defende tu matrem *Bostaris, quam ipsam arguo huic culpae esse adfinem.* . . . (Cod. Ambrosianus.)

4 *Refutavi etiam illud, quod dicebas* te *m*etuere *n*e non solvendo fuisse, bona denique reus n*e retinere voluisse,* qu*ae* proscripta esse*nt*, nis*i* (Cod. Ambros.) *Bostare intestato mortuo sic egisset eam rem, quasi ad ipsum hereditas pertineret, neve haec ipsa ei causa Bostarem veneno necandi fuisse videretur.* Si denique in illa bona

For not only did I admire the man, as all did, but 4
also my affection for him was above the common ; for he it was who first awoke my ardent ambition to a hope that merit without assistance from fortune might attain to its goal by dint of energy and persistence. . . .

And since the accusation has been loaded with a veritable pile of charges, but without any particular discrimination or variety of kind . . .

II. A man of the name of Bostar, a native of Nora, 1
who was fleeing from Sardinia before Scaurus's arrival, [was by my client's malicious blandishments, so Triarius alleges, recalled from his flight, welcomed at his hospitable board, poisoned by his host], and buried even before Scaurus's supper had been removed. [How groundless, gentlemen, is this sus- 2
picion of poisoning will at once appear if you will but reflect] upon the causes from which sudden death may arise. . . .

Scaurus was so happily situated that not only did 3
he retain his possessions with the utmost ease, but was rather in a position to acquire new ones than to sell what he possessed. Very well then, Triarius, now that I have defended Scaurus, it will be for you to defend the mother of Bostar, who is herself, as I contend, implicated in this charge. . . .

I have further refuted your statement that you were 4
afraid you might not have been solvent, and that the defendant might have wished to keep the property which had been proscribed, had he not, Bostar having died intestate, managed the affair as though the inheritance belonged to himself, and as though this in itself did not seem to him sufficient reason for poisoning Bostar. If, then, he could not possibly have

invadere nullo modo potuisset nisi mortuo Bostare . . . (Arusianus Messius.)

5 Si, me hercule! iudices, pro L. Tubulo dicerem, quem unum ex omni memoria sceleratissimum et audacissimum fuisse accepimus, tamen non timerem, venenum hospiti aut convivae si diceretur cenanti ab illo datum, cui neque heres neque iratus fuisset, *ne cui hoc credibile videretur.* (Ascon.)

6 *Venio iam ad crimen incontinentiae intemperantiaeque libidinum, cuius notam accusator Scauro eiusque famae inurere voluit. Coniugem suam, inquit, quam ipse amabat, istius incensae libidini atque effrenatae cupiditati* cum dare nollet Aris, clam ex Sardinia est fugere conatus.

7 (Priscianus.) *Scilicet relicta illic uxore ipse fuga sibi consuluit, quem ad modum castores, ut aiunt, a venatoribus* redimunt se ea parte corporis, propter quam maxime expetuntur! (Servius, *Georg.* i. 58.)

1 III. . . . Sic, inquam, se, iudices, res habet: neque hoc a me novum disputatur, sed quaesitum ab aliis est. (Ascon.) *Sed tamen id ita esse exemplis probari potest. . . . Illa* audivimus, hoc vero meminimus ac paene vidimus, eiusdem stirpis et nominis P. Crassum, ne in manus incideret inimicorum, se ipsum interemisse. . . . (Ascon.)

[a] L. Hostilius T., praetor 142, a victim of the satirist Lucilius.

[b] The substance of the passage lost here seems to have been this: the wife of Aris, so the prosecutor alleges, killed herself to avoid the importunities of Scaurus. In the following sections C. quotes some famous suicides, and then (§ 5) urges that such suicide on the part of Aris's wife is incredible.

[c] This Crassus can scarce be other than the son of the triumvir, who commanded the cavalry with his father at Carrhae, 53; Asconius must surely be wrong in calling him father of the triumvir. The two Crassi mentioned below (illius C. superioris . . . alterum C.) are not easy to identify.

taken possession of that property save by the death of Bostar . . .

I swear, gentlemen, that even were I speaking on behalf of Lucius Tubulus,[a] who is reported to have been quite the most wicked and unscrupulous character in history, none the less, supposing he were said to have poisoned some guest or friend during dinner, though he was not his heir and had no quarrel with him, I should not expect anybody to believe it. . . . 5

I pass now to the charge of incontinence and unbridled lust, with which the prosecutor has endeavoured to brand Scaurus and his reputation. We are told that Aris, not desiring to surrender his wife, with whom my client was in love, to his burning lust and unrestrained concupiscence, attempted to escape secretly from Sardinia. He left his wife in the country, that is to say, and sought to secure his own safety by flight, just as beavers, so we are told, ransom themselves from the hunters by that part of their body on account of which they are chiefly hunted. . . .[b] 6 7

III. This, gentlemen, is, I assert, the state of the case. My argument is not a new one; it has been discussed by others; but its truth can be substantiated by examples. . . . Those are instances of which we have been told, but this we remember and have all but seen—how Publius Crassus [c] of the same lineage and name destroyed himself that he might not fall into the hands of his enemies. . . . 1

I translate Asconius's comment on "alterum C.": "This 'other Crassus' is the same of whom we have spoken above [*i.e.* the C. first mentioned]. He calls him 'the other' because he has already made mention of the P. Crassus who was Pont. Max. and in the war against Aristonicus in Asia had A. put to death."

2 Ac neque illius Crassi factum superioris eisdem honoribus usus, qui fortissimus in bellis fuisset, M'. Aquilius potuit imitari (Ascon.), *sed memoriam iuventutis*[1] suae rerumque gestarum senectutis dedecore foedavit. Quid vero ? alterum Crassum temporibus eisdem, num aut clarissimi viri Iulii aut summo im-
3 perio [2] praeditus M. Antonius potuit imitari ? Quid ? In omnibus monumentis Graeciae, quae sunt verbis ornatiora quam rebus, quis invenitur, cum ab Aiace fabulisque discesseris, qui tamen ipse

" ignominiae dolore," ut ait poëta, " victor insolens
. . . se victum non potuit pati,"

praeter Atheniensem Themistoclem, qui se ipse morte
4 multavit ? At Graeculi quidem multa fingunt, apud quos etiam Cleombrotum Ambraciotam ferunt se ex altissimo praecipitasse muro, non quo acerbitatis accepisset aliquid, sed, ut video scriptum apud Graecos, cum summi philosophi Platonis graviter et ornate scriptum librum de morte legisset, in quo, ut opinor, Socrates illo ipso die, quo erat ei moriundum, permulta disputat, hanc esse mortem, quam nos vitam putaremus, cum corpore animus tamquam carcere saeptus teneretur, vitam autem esse eam, cum idem animus vinclis corporis liberatus in eum se locum, unde esset ortus, rettulisset.
5 IV. Num igitur ista tua Sarda Pythagoram aut Platonem norat aut legerat ? Qui tamen ipsi mortem

[1] *T begins here.* [2] imperio *T*, ingenio *Asconius.*

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[a] Commanded against Mithradates (91), by whom he was captured and put to death.
[b] See p. 270, note *c*.
[c] Source unknown.
[d] See the epigram of Callimachus upon him, *Anth. Pal.* vii. 471.
[e] *i.e.*, the wife of Aris.

Manius Aquilius,[a] too, though he had attained to 2
the same honours, and brave man though he had shown himself in war, could not imitate the action of the elder Crassus,[b] but by the infamy of his old age he besmirched the memory of his youth and of his high deeds. Again, could the illustrious Julii or the great general Marcus Antonius have imitated the conduct of the other Crassus[b] at the same period ?
Further, in all the records of Greece, richer in fine 3
words than in fine actions, whom can we find, apart from Ajax and the tragic plots, who, as the poet says,

in victory's haughty hour
Brooked not defeat at fell dishonour's hand,[c]

save only Themistocles the Athenian, who with
his own hand wrought his death ? The Greeks do, 4
indeed, invent many tales, as for instance that in which they tell us that Cleombrotus[d] the Ambracian threw himself down from a high wall, not because he had suffered any mortification, but because, as I find it recorded by Greek writers, after having read an eloquently and elegantly written book on the subject of death by the great philosopher Plato, wherein, I believe, Socrates, on the very day on which he was to die, argues at length that this which we fancied to be life is really death, the soul being confined in the body as in a prison, while that was true life when this same soul, released from the bonds of the body, betook itself again to the place whence it sprang.

IV. Had, then, your Sardinian woman[e] any know- 5
ledge of, had she read, Pythagoras or Plato ? And yet even these teachers, though they praise death,

ita laudant, ut fugere vitam vetent atque id contra foedus fieri dicant legemque naturae. Aliam quidem causam mortis voluntariae nullam profecto iustam reperietis. Atque hoc ille vidit: nam iecit quodam loco vita illam mulierem spoliari quam pudicitia ma-
6 luisse; sed refugit statim nec de pudicitia plura dixit, veritus, credo, ne quem inridendi nobis daret et iocandi locum: constat enim illam cum deformitate summa fuisse tum etiam senectute. Qua re quae potest, quamvis salsa ista Sarda fuerit, ulla libidinis aut amoris esse suspitio?

7 V. Ac ne existimes, Triari, quod adferam in dicendo me fingere ipsum et non a reo causam cognoscere, explicabo tibi quae fuerint opiniones in Sardinia de istius mulieris morte: nam fuerunt duae: quo etiam facilius[1] *hi et Scauri innocentiam et testium tuorum audaciam cognoscere possint et eorum, quae facta*
8 *sunt, indignitatem. Sardae istius maritus Aris matrem Bostaris*, te[2] dixi, libidinosam atque improbam matrem, infami ac noto adulterio iam diu diligebat: is cum hanc suam uxorem, anum et locupletem et molestam, timeret, neque eam habere in matrimonio propter foeditatem neque dimittere propter dotem volebat. Itaque compecto cum matre Bostaris consilium cepit, ut uterque Romam veniret: ibi se aliquam rationem inventurum, quem ad modum illam uxorem duceret, confirmavit.

[1] *T breaks off here.* [2] *A begins here.*

[a] Plato, *Phaedo*, 61 c ff.; cp. Tennyson, *Lucretius*:

Whether I mean this day to end myself,
Or lend an ear to Plato where he says,
That men like soldiers may not quit the post
Allotted by the gods.

[b] C. addresses the woman, who is present in court.

forbid us to fly from life,[a] asserting that such conduct is a violation of the compact and law of nature. And in truth you will assuredly find no other reason to justify a voluntary death. This the prosecutor realized; for he dropped a hint somewhere that that woman preferred to be despoiled of her life rather than of her chastity; but he straightway abandoned 6
the subject, and said no more on the theme of chastity, fearing, no doubt, to provide us with a handle for jest and mockery; for it is notorious that her ugliness was as extreme as her old age. This being the case, however saucy the lady from Sardinia may have been, can there be any suspicion of love or licentiousness in connexion with her?

V. And that you may not imagine, Triarius, that 7
my allegations are an invention of my own, not drawn from information furnished by the defendant, I will lay before you the impressions that were current in Sardinia (there were two such) concerning the woman's death; so that the jury may even more easily [be enabled to realize both the innocence of Scaurus, the effrontery of your witnesses, and the shocking nature of what occurred. Aris, the husband of that woman of Sardinia,] had for a long time loved the [mother of Bostar]—you I mean[b]—a 8
licentious and unscrupulous woman, living with her in shameless and notorious adultery. He was afraid of his wife, who was old, wealthy, and ill-tempered; but though her ugliness made him unwilling to keep her for his wife, her dowry made him unwilling to divorce her. So in agreement with Bostar's mother he planned that they should both come to Rome; and he promised that there he would discover some means of making her his wife.

9 VI. Hic opinio fuit, ut dixi, duplex, una non abhorrens
a statu naturaque rerum, Arinis uxorem pelicatus
dolore concitatam, cum audisset Arinem cum illa sua
metus et fugae simulatione Romam se contulisse, ut,
cum antea consuetudo inter eos fuisset, tum etiam
nuptiis iungerentur, arsisse dolore muliebri et mori
10 quam id perpeti maluisse; altera non minus veri
similis, et, ut opinor, in Sardinia magis etiam credita,
Arinem istum testem atque hospitem, Triari, tuum
proficiscentem Romam negotium dedisse liberto, ut
illi aniculae non ille quidem vim adferret—neque
enim erat rectum patronae,—sed collum digitulis
duobus oblideret, resticula cingeret, ut illa perisse
11 suspendio putaretur. Quae quidem suspitio valuit
etiam plus ob hanc causam, quod, cum agerent
parentalia Norenses omnesque suo more ex oppido
exissent, tum illa est a liberto suspendisse se dicta.
Discessus autem solitudo ei, qui patronam suffocabat,
fuit quaerenda; illi, quae volebat mori, non fuit.
12 Confirmata vero suspitio est, quod anu mortua libertus
statim tamquam opere confecto Romam est profectus,
Aris autem, simul ac libertus de morte uxoris nuntiavit,
continuo Romae matrem illam Bostaris duxit
uxorem.

13 VII. En quibus familiis quam foedis, quam con-

[a] The Parentalia, when visits were paid to the tombs of ancestors, and offerings laid upon them. The dead were always buried *outside* the city walls.

VI. There were, as I have pointed out, two im- 9
pressions current—one of them not out of keeping
with the circumstances and nature of the case—that
the wife of Aris, stung with resentment at her
husband's infidelity, when she heard that Aris, pretending
to have fled for fear of herself, had gone off
to Rome with his light-o'-love, intending to convert
their previous irregular union into formal wedlock,
now betrayed all the anguish of the outraged female,
and had preferred to die rather than tolerate it.
The other was not less probable and, as I believe, 10
even more generally held in Sardinia; it was to the
effect that Aris, your witness and host, Triarius,
had on his departure for Rome commissioned a
freedman not indeed to use violence to the poor
old lady—such conduct towards his mistress would
have been irregular!—but just to press her neck with
two fingers and to fasten a bit of cord round it, so
that it might be supposed that she had met her death
by hanging. This suspicion carried all the greater 11
weight, because the season at which the freedman
alleged she had hanged herself was the time when
the people of Nora were holding their festival of the
Dead [a] and had all, after their due custom, left the
city. Such departure and the resulting solitude was
just what a man who intended to throttle his mistress
would look for, but not so a woman who wished
to die. But the suspicion received confirmation 12
from the fact that on the old woman's death the
freedman immediately started for Rome as if his
commission were executed; while Aris, as soon as the
freedman had brought him news of his wife's death,
forthwith married Bostar's mother at Rome.

VII. See now, gentlemen, to what families, how 13

taminatis, quam turpibus dedatis hanc familiam,
iudices! En quibus testibus commoti de quo
homine, de quo genere, de quo nomine sententias
feratis! Obliviscendum vobis putatis matrum in
liberos, virorum in uxores scelera? Cernitis cru-
delitate mixtas libidines, videtis immanis: duorum
maximorum criminum auctores, quibus criminibus
haec tota apud ignaros aut invidos infamata causa est,
omni facinore et flagitio deformatos habetis.
14 VIII. Num igitur in his criminibus, iudices,
residet etiam aliqua suspitio? Non perpurgata sunt,
non refutata, non fracta? Qui igitur id factum est?
Quia dedisti mihi, Triari, quod diluerem, in quo
argumentarer, de quo disputarem, quia genus eius
modi fuit criminum, quod non totum penderet ex
15 teste, sed quod ponderaret iudex ipse per se. Neque
vero, iudices, quicquam aliud in ignoto teste facere
debemus nisi ut argumento, coniectura, suspitione
rerum ipsarum vim naturamque quaeramus. Etenim
testis non modo Afer, aut Sardus sane, si ita se isti
malunt nominari, sed quivis etiam elegantior ac
religiosior impelli, deterreri, fingi, flecti potest;
dominus est ipse voluntatis suae, in quo est impunita
16 mentiendi licentia: argumentum vero, quod quidem
est proprium rei—neque enim ullum aliud argumen-

[a] The population of S. was largely of Carthaginian stock.

foul, how polluted, how degraded, you are called
upon to surrender the family of Scaurus! See who
are the witnesses by whom you are to be influenced
and upon how great a man, how noble in birth, how
proud in name you are to record your vote! Think
you that you should be unmindful of the crimes of
mothers against their children, of husbands against
their wives? You see lust commingled with cruelty,
lust unnatural; you have before you, rendered
hideous by every enormity and wickedness, the
authors of two dastardly charges, charges by which,
in the eyes of the ill-informed or the prejudiced, dis-
repute has been thrown upon our whole cause.
VIII. In these charges, then, gentlemen, does 14
there yet lurk a breath of suspicion? Have they not
been purged, refuted, shattered? And how has
this been brought about? It is because you have
vouchsafed to me, Triarius, something which I could
dispel, which I could dilate upon and discuss, be-
cause the nature of the charges was such that they did
not entirely depend upon the witness, but might be
weighed by the judge upon their own merits. And 15
indeed, gentlemen, when we are dealing with a witness
of whom we know nothing, we ought not to do any-
thing else save inquire by argument, conjecture, and
suspicion into the significance and true nature of the
facts he alleges. For a witness, not an African
only,—or for that matter a Sardinian,[a] if that is how
they prefer to be described—but any witness what-
ever, even though refined and scrupulous, may be
swayed, deterred, moulded, diverted; he is himself
sole master of his own wishes, and has free leave
to tell lies as he pleases. But an argument, such as 16
is suited to the case in hand—and no other can

tum vere vocari potest,—quod rerum vox est, naturae vestigium, veritatis nota, id qualecumque est, maneat immutabile necesse est; non enim fingitur ab oratore, sed sumitur; qua re in eo genere accusationis si vincerer, succumberem et cederem: vincerer omni re, vincerer causa, vincerer veritate.

17 Agmen tu mihi inducas Sardorum et catervas et me non criminibus urgere, sed Afrorum fremitu terrere conere? Non potero equidem disputare, sed ad horum fidem et mansuetudinem confugere, ad ius iurandum iudicum, ad populi Romani aequitatem, qui hanc familiam in hac urbe principem voluit esse, deorum immortalium numen implorare potero, qui semper exstiterunt huic generi nominique fautores.

18 IX. Poposcit,[1] imperavit, eripuit, coëgit.—Si doces tabulis, quoniam habet seriem quandam et ordinem contracti negotii confectio ipsa tabularum, attendam acriter et quid in defendendo mihi agendum sit videbo; si denique nitere testibus, non dico bonis viris ac probatis, noti sint modo, quem ad modum

19 mihi cum quoque sit confligendum considerabo: sin unus color, una vox, una natio est omnium testium, si, quod ei dicunt, non modo nullis argumentis, sed ne litterarum quidem aliquo genere aut publicarum aut privatarum, quod tamen ipsum fingi potest,

[1] *T resumes here.*

properly be called an argument—which is the voice of fact, the print of nature, the mark of truth—that, whatever its nature, must needs remain immutable; for it is not invented, but employed, by the pleader. So, should I be worsted when the charges took that shape, I should bow my head and retire, for I should be worsted at every point, worsted in the cause, worsted in the truth. Are *you* going to bring against 17
me battalions and phalanxes of Sardinians, and try, not to overwhelm me with charges, but to terrify me with the roars of Africans? I shall not in that event be in a position to dispute with you, but I shall at least be able to fling myself upon the honour and mercy of these gentlemen, upon the jurymen's regard for their oath, upon the equity of the Roman people, which had decreed that this family shall be eminent in their city; I shall be able to implore the protection of the immortal gods, who have ever shown themselves the upholders of this race and of this name.

IX. "He demanded, requisitioned, seized, ex- 18
torted." If you, my friend, can prove that by the account-books (since the very keeping of books does bring a sort of system and sequence into business transactions), then I will attend carefully and consider how I am to proceed in my defence. If you rely upon witnesses (let their names be but known to us, I ask not that they should be good and respectable men), then I will reflect how I am to wrestle with each severally. But if there be but one complexion, one 19
voice, one nationality among all the witnesses, if they make no attempt to establish their allegations by any kind of official or unofficial document (though even these can be forged), let alone by any argu-

confirmare conantur, quo me vertam, iudices, aut quid agam? Cum singulis disputem? . . . Quid? Non habuisti quod dares. Habuisse se dicet. Quis id scit? Quis iudicabit non fuisse causam?—Finget fuisse. Qui refellemus potuisse non dare, si noluisset? Vi ereptum esse dicet. Quae potest eloquentia disputando ignoti hominis impudentiam
20 confutare? X. Non agam igitur cum ista Sardorum conspiratione et cum expresso et coacto sollicitatoque periurio subtiliter neque acu quaedam enucleata argumenta conquiram, sed contra impetum istorum impetu ego nostro concurram atque confligam. Non est unus mihi quisque ex illorum acie protrahendus neque cum singulis decertandum atque pugnandum:
21 tota est acies illa uno impetu prosternenda. Est enim unum maximum totius Sardiniae frumentarium crimen, de quo Triarius omnis Sardos interrogavit, quod genus uno testimonii foedere et consensu omnium est confirmatum. Quod ego crimen ante quam attingo, peto a vobis, iudices, ut me totius nostrae defensionis quasi quaedam iacere fundamenta patiamini; quae si erunt, ut mea ratio et cogitatio fert, posita et constituta, nullam accusationis partem pertimescam.

22 Dicam enim primum de ipso genere accusationis, postea de Sardis, tum etiam pauca de Scauro: quibus

[a] A gap in the MSS. here. C. apparently imagines himself interrogating witnesses who alleged that Scaurus had extorted money from them.

ments, then, gentlemen, which way am I to turn, or what am I to do? Am I to argue with each one separately? . . .[a] You had nothing to give. He will say that he had. Who knows that? Who is to decide that there was no reason? He will make out that there was. How are we to refute him, and establish that he might have abstained from giving, had he not wished to do so? He will say that it was extorted. What eloquence is able by means of argument to confound the impudence of one whom you do
not know? X. I will not therefore deal with your 20
gang of Sardinian conspirators and their perjuries so ingeniously elicited, wrung, and wheedled from them, nor will I amass painfully elaborated arguments to refute them; no, I will meet onset with onset in front-to-front encounter. Not for me to drag each individual successively from your ranks and fight a series of single combats to the death; at one fell swoop the whole army must be routed.
For there is one most important charge in the matter 21
of corn which concerns the whole of Sardinia, and upon which Triarius has examined all the Sardinians; it is a point which has been supported by the one concerted testimony of all those who gave evidence. And before I touch upon this charge, I beg you, gentlemen, to allow me to lay down certain fundamental principles that shall govern my whole defence; if these are once well and truly laid in accordance with my purpose and expectation, there is no part of the prosecution that I shall have to fear.

I shall first speak upon the general nature of the 22
accusation, then upon the Sardinians, next briefly about Scaurus; and when I have thus cleared the

rebus explicatis tum denique ad hoc horribile et
formidulosum frumentarium crimen accedam.
23 XI. Quod est igitur hoc accusationis, Triari,
genus? Primum, ut inquisitum non ieris. Quae
fuit ista tam ferox, tam explorata huius opprimendi
fiducia? Pueris nobis audisse videor L. Aelium,
libertinum hominem litteratum ac facetum, cum
ulcisceretur patroni iniurias, nomen Q. Muttonis,
hominis sordidissimi, detulisse; a quo cum quae-
reretur quam provinciam aut quam diem testium
postularet, horam sibi octavam, dum in foro bovario
24 inquireret, postulavit. Hoc tu idem tibi in M.
Aemilio Scauro putasti esse faciendum? "Delata
enim" inquit "causa ad me Romae est." Quid?
Ad me Siculi nonne Romae causam Siciliae detule-
runt? Atqui homines prudentes natura, callidi
usu, doctrina eruditi: tamen ego mihi provinciae
causam in provincia ipsa cognoscendam et discen-
25 dam putavi.[1] An ego querellas atque iniurias
aratorum non in segetibus ipsis arvisque cogno-
scerem? Peragravi, inquam, Triari, durissima qui-
dem hieme vallis Agrigentinorum atque collis;
campus ille nobilissimus ac feracissimus ipse me
causam paene docuit Leontinus; adii casas aratorum,
26 a stiva ipsa homines mecum conloquebantur: itaque

[1] *A breaks off here.*

[a] C. refers to his prosecution of Verres, 70.

ground, I shall proceed to deal with this horrible and
formidable charge concerning the corn.
XI. What, then, is the nature of this accusation, 23
Triarius? In the first place, of such a nature, that
you have not really inquired into it. What was
at the back of your spirited, your convinced
assurance that you could work my client's downfall?
When I was a boy I think I remember hearing that
Lucius Aelius, a cultured and witty freedman, in
avenging wrongs suffered by his patron, laid a suit
against Quintus Mutto, a quite contemptible person;
and when he was asked in what province he de-
manded to make his investigation or how many days
he would want for raising his evidence, he requested
that he might be given until two o'clock—time enough
to make inquiries in the cattle-market. Did you 24
think that this was all you needed to do in the case
of Aemilius Scaurus? "Yes," he replies, "for the
whole case was reported to me at Rome." Well,
did not the Sicilians[a] report to me the whole of
the Sicilian business at Rome? They were men
sagacious by nature, shrewd by experience, accom-
plished by education; yet in spite of this I thought
it my duty to go to the province itself to acquire
understanding and knowledge of the province's cause.
Was it not right for me to inquire into the griev- 25
ances and wrongs of the cultivators amid their crops
and their furrows? Yes, Triarius, in the throes of
a rigorous winter I tramped the valleys and hills
of the people of Agrigentum; it was the fair and
fertile plain of Leontini that instructed me, I might
almost say, in my brief. I visited the cots of the
labourers; I talked with men at the very plough- 26
handle; and the result was that I treated my brief

sic fuit illa expressa causa, non ut audire ea, quae dicebam, iudices, sed ut cernere et paene tangere viderentur. Neque enim mihi probabile neque verum videbatur me, cum fidelissimae atque antiquissimae provinciae patrocinium recepissem, causam tamquam unius clientis in cubiculo meo discere.

27 XII. Ego, nuper cum Reatini, qui essent in fide mea, me suam publicam causam de Velini fluminibus et cuniculis apud hos consules agere voluissent, non existimavi me neque dignitati praefecturae gravissimae neque fidei meae satis esse facturum, nisi me causam illam non solum homines, sed etiam locus
28 ipse lacusque docuisset. Neque tu aliter fecisses, Triari, si te id tui isti Sardi facere voluissent, hi, qui te in Sardiniam minime venire voluerunt, ne longe aliter omnia atque erant ad te delata cognosceres, nullam multitudinis in Sardinia querellam, nullum in Scaurum odium populi[1] . . .

29 XIII. *Ego non ante comperendinavi, quam, quem ad modum Iuppiter deiectum atque semiustum imposita insula operuit Typhonem, cuius anhe*litu[2] Aetnam ardere dicunt, sic Verrem operuissem Sicilia teste tota: tu *uno* comperendinasti *re*um teste producto. At quo teste, di immortales! Non satis quod uno, non quod ignoto, non quod levi: etiamne Valerio teste

[1] *T breaks off here.* [2] *A resumes here.*

[a] C. refers to this case in *Ad Att.* iv. 15.

[b] The words in brackets translate Beier's suggested completion of the sentence.

[c] If a trial was not finished on the first day, it was adjourned to the next but one (*perendie*).

in so vivid a fashion, that the jury seemed not so much to listen to the facts which I detailed as to see and all but touch them. Indeed, it seemed to me neither convincing nor honest that, having taken upon me the protection of a loyal and ancient province, I should con my brief in chambers, as if it had been that of a single client.

XII. Recently, when the people of Reate,[a] who 27
were adherents of my own, wished me to plead the cause of their state before our present consuls in the matter of the channels and subterranean ducts of the Velinus, I thought that I should not be acting as the dignity of that important prefecture or my own sense of honour demanded, were I not to be instructed in my brief not by the inhabitants alone, but by the place and the lake itself. Nor would you, 28
Triarius, have acted otherwise, had your Sardinians wished you so to act; but as a matter of fact that you should go to Sardinia was the last thing they desired, for they feared lest you might discover a wide divergence between the reality and the report you had received—that the masses of Sardinia had no grievance, and that the inhabitants had no hatred against Scaurus. . . .

XIII. . . . [I did not adjourn my case until, 29
even as Jupiter buried beneath an island's weight the charred and prostrate Typhon, whose panting,][b] they say, keeps Etna aflame, so I had buried Verres beneath the evidence of all Sicily. *You* adjourned *your* case[c] when but a single witness had been produced. And what a witness, ye immortal gods! It was not enough that he was but one, that he was unknown, that he was a man of no character; did you not ruin the first hearing of the

primam actionem confecisti, qui patris tui beneficio
civitate donatus gratiam tibi non inlustribus officiis,
30 sed manifesto periurio rettulit? Quod si te omen
nominis vestri for*te* duxit, nos tamen id more ma-
iorum, quia faustum putamus, non ad perniciem,
verum ad salutem interpretamur. XIV. Sed omnis
ista celeritas ac festinatio, quod inquisitionem, quod
priorem actionem totam sustulisti, illud patefecit
et inlustravit, quod occultum tamen non erat, non
esse hoc iudicium iudicii, sed comitiorum consularium
causa comparatum.

31 Hic ego Appium Claudium consulem fortissimum
atque ornatissimum virum mecumque, ut spero, fideli
in gratiam reditu firmoque coniunctum nullo loco,
iudices, vituperabo; fuerant enim eae partes aut
eius, quem id facere dolor et suspitio sua coēgit,
aut eius, qui has sibi partis depoposcit, quod[1] aut
non animadvertebat quem violaret aut facilem sibi
32 fore in gratiam reditum arbitrabatur. Ego tantum
dicam, quod et causae satis et in illum minime durum
aut asperum possit esse. Quid enim habet turpitu-
dinis Appium Claudium M. Scauro esse inimicum?
Quid, avus eius P. Africano non fuit? Quid, mihi
ipsi idem iste? Quid, ego illi? Quae inimicitiae
dolorem utrique nostrum fortasse aliquando, dedecus

[1] *T resumes here.*

[a] Valerius had taken the name of his enfranchiser, P. V. Triarius; the name suggests a favourable omen because of its connexion with *valeo*.

[b] See Introduction. He was brother of P. Clodius, and in 53 preceded C. as governor of Cilicia, where he fleeced and oppressed the provincials. C. expresses dislike of him in intimate letters, but was at pains to be outwardly on good terms with him, as he was a man of influential connexions.

case too by employing as witness Valerius, who
through the kindness of your father had been pre-
sented with the franchise, and who requited that
kindness to you not by signal services, but by bare-
faced perjury? You may possibly have been swayed 30
by the omen of the name you share with him[a]; but
we, counting it as we do, in traditional fashion, as a
happy augury, interpret this as a promise of success
to ourselves, not of disaster. XIV. But all your
precipitancy and impatience in bringing to a sum-
mary end the investigation and all the earlier action
has turned a searchlight upon the truth, which was
however no secret before, that this trial was instituted
not in the interests of justice, but to affect the con-
sular elections.

It is not my purpose at this juncture, gentlemen, 31
by any statement I may make to lay aspersions
upon that gallant consul and accomplished gentleman
Appius Claudius,[b] who is, I trust, bound to myself by
a loyal and lasting reconciliation. For the part he
has played has been either that of one who was
prompted to undertake it by his own resentment
and suspicion, or of one who demanded the part for
himself, because either he did not realize whom he
was attacking, or thought that reconciliation would
be an easy matter. For myself, I will say no more 32
than the case demands, without the least flavour
of harshness or severity towards Appius. For what
suggestion of disrepute can be conveyed by stating
that Appius Claudius was the enemy of Marcus
Scaurus? Was not Appius's grandfather an enemy
to Publius Africanus? Was he not an enemy to
myself? Was I not an enemy to him? These
enmities may perhaps at one time or another have

33 vero certe numquam attulerunt. Successori successor invidit: voluit eum quam maxime offensum, quo magis ipsius memoria excelleret: res non modo non abhorrens a consuetudine, sed usitata etiam et valde pervagata. XV. Neque vero tam haec ipsa cotidiana res Appium Claudium illa humanitate et sapientia praeditum per se ipsa movisset, nisi hunc C. Claudii fratris sui competitorem fore putasset.

34 Qui sive patricius sive plebeius esset—nondum enim certum constituerat,—cum hoc sibi contentionem fore putabat, Appius autem hoc maiorem etiam, quod illum in pontificatus petitione, in saliatu, in ceteris meminerat fuisse patricium. Quam ob rem se consule neque repelli fratrem volebat neque, si patricius esset, parem Scauro fore videbat, nisi

35 hunc aliquo aut metu aut infamia perculisset. Ego id fratri in honore fratris amplissimo non concedendum putem, praesertim qui quid amor fraternus valeat paene praeter ceteros sentiam? "At enim frater iam non petit." Quid tum? Si ille retentus a cuncta Asia supplice, si a negotiatoribus, si a publicanis, si ab omnibus, sociis civibus, exoratus ante-

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[a] "C. is poking mild fun at C. Claudius. . . . As he was brother to P. Clodius, who had ignominiously passed from a patrician to a plebeian family [by adoption], he says that Gaius too was still hesitating." Asconius.

[b] C. is still sarcastic, in allusion to the transference of P. Clodius to the plebeians, effected to enable him to stand for the tribunate.

[c] C. Claudius had his command in Asia extended for a further year, and so withdrew his candidature.

caused grief to each of us, but disgrace never. It was a case of successor being jealous of successor; 33
the one wished all possible failure to the other, in order that his own memory might be more conspicuous. This is a state of things which, so far from being foreign to our habits, is perfectly normal and exceedingly frequent. XV. But so ordinary a condition of affairs would in itself have had no influence whatever upon so wise and broad-minded a man as Appius Claudius, had he not thought that my client intended to stand against his brother Gaius Claudius in the elections.

He, whether he was a patrician or a plebeian[a]— 34
he had not yet quite made up his mind on the point —thought that the main struggle would be against my client; while Appius thought that it would be the more severe, because he remembered that his brother in standing for the pontificate, for the priesthood of Mars, and for other offices, had stood as a patrician. For this reason he was unwilling that his brother should meet with a rebuff while he himself was consul, and at the same time he saw that, were he a patrician, he would be no match for Scaurus, unless he could render him impotent by intimidation or by robbing him of his character.[b] Am I to hold 35
that no allowance should be made to a brother for such conduct when his brother's advancement to high office is at stake, realizing as I do, beyond all other men perhaps, all the power of fraternal affection? "Yes," it may be objected, "but his brother is not now a candidate." What of that? If he found himself tied to the spot by the prayers of all Asia,[c] and if in deference to the appeal of the men of business, the tax-farmers, and of all men, allies and citizens

posuit honori suo commoda salutemque provinciae, propterea putas semel exulceratum animum tam facile potuisse sanari?

36 XVI. Quamquam in istis omnibus rebus, praesertim apud homines barbaros, opinio plus valet saepe quam res ipsa[a]: persuasum est Sardis se nihil Appio gratius esse facturos, quam si de Scauri fama detraxerint; multorum etiam spe commodorum praemiorumque ducuntur; omnia consulem putant posse, praesertim ultro pollicentem. De quo plura iam
37 non dicam: quamquam ea, quae dixi, non secus dixi, quam si eius frater essem, non is, qui et est et qui multa dixit, sed is, qui ego esse in meum consuevi. Generi igitur toti[1] accusationis resistere, iudices, debetis, in quo nihil more, nihil modo, nihil considerate, nihil integre, contra improbe, turbide, festinanter, rabide omnia, conspiratione, imperio, auctoritate, spe, minis videtis esse suscepta.

38 XVII. Venio nunc ad testis, in quibus docebo non modo nullam fidem et auctoritatem, sed ne speciem quidem esse aut imaginem testium. Etenim fidem primum ipsa tollit consensio, quae patefacta est

[a] *T breaks off here.* [1] toti *Müller for* MSS. *totius.*

[a] *i.e.*, during the hearing of evidence. C.'s language here suggests an actual incriminating document, but he is probably only suggesting that the unanimity of the witnesses is a proof of conspiracy.

alike, he preferred the advantage and welfare of the province to his own promotion, is that a reason why you should think that feelings once embittered could so easily have been appeased?

XVI. At the same time, in all such matters, 36
popular impression, especially in the minds of barbarians, often carries greater weight than fact itself. The Sardinians were convinced that they could not better ingratiate themselves with Appius than by disparaging Scaurus's character; at the same time they are swayed by the hope of considerable gain and emolument to themselves; they think that a consul is omnipotent, especially when he goes out of his way to make them promises. On this head I will 37
say no more; but what I have said, I have said just as if I were Appius's brother—not as he has spoken who *is* his brother (and he has spoken at length), but in the character which I have always manifested towards my own brother. It is your duty, then, gentlemen, to resist at every point an accusation of this kind, in which you see that nothing has been done according to precedent, nothing with moderation, nothing with circumspectness or disinterestedness, but on the contrary everything has been undertaken dishonestly, seditiously, precipitately, hot-headedly, by means of conspiracy, absolute power, undue influence, promises, and intimidation.

XVII. I pass now to the witnesses; and I shall 38
demonstrate not merely that there is no confidence or authority to be placed in them, but that they have not even the semblance or similitude of witnesses. In the first place, their credibility is destroyed by their very unanimity, which was exposed in the reading[a] of the compact and conspiracy entered

compromisso Sardorum et coniuratione recitata; deinde illa cupiditas, quae suscepta est spe et promissione praemiorum; postremo ipsa natio, cuius tanta vanitas est, ut libertatem a servitute nulla re alia nisi mentiendi licentia distinguendam putent.

39 Neque ego Sardorum querellis dico moveri nos numquam oportere: non sum aut tam inhumanus aut tam alienus a Sardis, praesertim cum frater meus nuper ab his decesserit, cum rei frumentariae Cn. Pompeii missu praefuisset, qui et ipse illis pro sua fide et humanitate consuluit et eis vicissim percarus

40 et iucundus fuit. Pateat vero hoc perfugium dolori, pateat iustis querellis, coniurationi via intercludatur, obsaepiatur insidiis: neque hoc in Sardis magis quam in Gallis, in Afris, in Hispanis. XVIII. Damnatus est T. Albucius, C. Megaboccus ex Sardinia non nullis etiam laudantibus Sardis: ita fidem maiorem varietas ipsa faciebat; testibus enim aequis, tabulis

41 incorruptis tenebantur: nunc est una vox, una mens, non expressa dolore, sed simulata, neque huius iniuriis, sed promissis aliorum et praemiis excitata. "At creditum est aliquando Sardis." Et fortasse

[a] Convicted for extortion 103.

into by the Sardinians. It is destroyed in the second place by their covetousness, which was roused by the hope and promise of rewards, and, finally, by their national character itself, which is so utterly worthless that they imagine that freedom is to be distinguished from slavery only by the licence which it gives for the telling of lies. I am far from asserting 39

that we ought never to be influenced by any statement of grievances made by Sardinians; I am not so inhuman or so lacking in sympathy towards that people, especially seeing that my brother has only just left their island after having been sent thither by Gnaeus Pompeius to supervise their corn-supply, in which capacity he exerted all his integrity and humanity in their interest, and was in return very much esteemed and beloved by them. By all means 40

let a refuge be found here open to indignation, open to just grievances; but let the way be barred to conspiracy, let the gates be shut upon intrigue; and that not more in the case of the Sardinians than in that of the Gauls, the Africans, the Spaniards. XVIII. Titus Albucius[a] and Gaius Megaboccus both suffered condemnations that had their origin in Sardinia, though many Sardinians spoke in praise of them. In these cases the very variety of the evidence lent it greater credit; for they were convicted by impartial evidence and by documents which had not been tampered with. But in the present case 41

there is a single voice and a single purpose, not wrung forth by indignation, but counterfeited by hypocrisy; not stirred by outrages inflicted by my client, but by the promises and the bribes of others. "But," it is alleged, "there have been times when the Sardinians have been believed." Yes, and per-

credetur aliquando, si integri venerint, si incorrupti, si sua sponte, si non alicuius inpulsu, si soluti, si liberi; quae si erunt, tamen sibi credi gaudeant et mirentur; cum vero omnia absint, tamen se non respicient, non gentis suae famam perhorrescent?

42 XIX. Fallacissimum genus esse Phoenicum omnia monumenta vetustatis atque omnes historiae nobis prodiderunt: ab his orti Poeni multis Karthaginiensium rebellionibus, multis violatis fractisque foederibus nihil se degenerasse docuerunt: a Poenis admixto Afrorum genere Sardi non deducti in Sardiniam atque ibi constituti, sed amandati et
43 repudiati coloni. Qua re cum integri nihil fuerit in hac gente plena, quam valde eam putamus tot transfusionibus coacuisse? Hic mihi ignoscet Cn. Domitius Sincaius, vir ornatissimus, hospes et familiaris meus, ignoscent denique omnes ab eodem Cn. Pompeio civitate donati, quorum tamen omnium laudatione utimur; ignoscent alii viri boni ex
44 Sardinia; credo enim esse quosdam; neque ego, cum de vitiis gentis loquor, neminem excipio. Sed a me est de universo genere dicendum, in quo fortasse

[a] They were proverbially faithless; *cf. Ad fam.* vii. 24 "habes Sardos venales, alium alio nequiorem."

adventure they will be believed again some day, if they come with honest hearts, unbribed and uninstigated, not impelled from without, but free of obligation or restraint. And even though all these conditions are fulfilled, still let it be with joy and wonder that they find themselves believed. But when none of these conditions are fulfilled, will they still be blind to their national character? Will they not shudder at the name their race has won? [a]

XIX. All the records and histories of past ages 42
have established for us the tradition that the Phoenicians are the most treacherous of nations. The Poeni, their offshoots, proved by the many warlike outbreaks of the Carthaginians, and by their repeated violation and infringement of treaties, that they had not degenerated from their forefathers. The Sardinians, who are sprung from the Poeni with an admixture of African blood, were not planted in Sardinia and settled there, but rather marooned there as undesirables. Since, then, the uncontaminated stock 43
was so utterly unsound, must we not think that it has become sadly soured by constant intermixture? And here my old and intimate friend the accomplished Gnaeus Domitius Sincaius will pardon me, and all those who had the franchise conferred on them by the same Gnaeus Pompeius will pardon me, for in spite of all we are availing ourselves to-day of their favourable testimony. Other worthy gentlemen too from Sardinia (for I believe there are some such) will pardon me; nor indeed, when I pass 44
an indictment upon a nation, do I make no exceptions. But I am forced to speak of the race in general terms; and in that race it may well be that some individuals have by their own characters and

aliqui suis moribus et humanitate stirpis ipsius et gentis vitia vicerunt: magnam quidem esse partem sine fide, sine societate et coniunctione nominis nostri res ipsa declarat: quae est enim praeter Sardiniam provincia, quae nullam habeat amicam
45 populo Romano ac liberam civitatem? Africa ipsa parens illa Sardiniae, quae plurima et acerbissima cum maioribus nostris bella gessit, non solum fidelissimis regnis, sed etiam in ipsa provincia se a societate Punicorum bellorum Utica teste defendit. Hispania ulterior Scipionum int[1]eritu . . . XX. . . . copiis inops, gente fallax? (Arusianus.[2]) . . . Quae, malum, est ista ratio? (Eugraphius.) Quem purpura regalis non commovit, eum Sardorum mastruca mutavit? (Isidorus.) Hoc nomine audito, quod per omnis gentis pervagatum est, de familia nobili ipsi quoque cum orbis terrarum auctoritate sentiatis. . . . (Ammianus Marcellinus.)

XXI. . . . Nam cum ex multis unus ei restaret Dolabella paternus inimicus, qui cum Q. Caepione propinquo suo contra Scaurum patrem suum obsignaverat litteras, eas sibi inimicitias non susceptas, sed relictas pietatis causa gerendas esse arbitrabatur. . . . (Asconius.)

. . . praesertim cum propinquitas et celebritas loci suspitionem desidiae tollat aut cupiditatis. . . . (Asconius.) XXII. . . . ego porro, qui Albanas

[1] *A ends here.*
[2] *For the writers from whom these fragments are drawn see Introduction.*

[a] The Sardinian national garb.
[b] The following chapter is too fragmentary to be intelligible. We gather that the prosecutor had attacked S. on the ground of extravagant building, a charge which C. retorts upon him.

human qualities risen superior to the vices of their stock and their tribe; but that the large majority of them are devoid of honour, devoid of any fellowship or bond with our race, is patently proved by the facts. For what province is there save Sardinia that does not contain a single state that is a friend of the Roman people, and free? Africa,
which is herself the parent of Sardinia, and which 45
waged many bitter wars against our ancestors, maintained itself, as Utica can testify, free of all participation in the Punic Wars, not only in its staunchly loyal kingdoms, but in the province itself. Further, Spain, by the death of the Scipios . . . XX. . . . impotent in resources, treacherous in national character. . . . What in perdition's name is your idea? He was not cowed by the kingly purple, and did Sardinian sheepskins[a] make him blench? When you hear that name, which is bruited among all nations, may you too entertain the same sentiments with regard to that noble family as are entertained by the wisdom of the whole world. . . .

XXI.[b] For when out of the large number of his father's enemies there remained Dolabella alone, who had joined Quintus Caepio his relative in signing a deposition against his father Scaurus, he thought that filial duty made it incumbent upon him to carry on the feud, as one which had been bequeathed to him, not contracted by himself . . .

. . . especially seeing that the accessibility and populousness of the site removes all suspicion of laziness or avarice[c] . . . XXII. . . . furthermore,

[c] "C. is defending S.'s possession of so magnificent a house." (Asconius.) His note on the passage (too long to quote here) is interesting.

habeo columnas, clitellis eas apportavi. . . . (Quint. v. 13, 40.)

. . . Domus tibi deerat? At habebas. Pecunia superabat? At egebas. Incurristi amens in columnas; in alienos insanus insanisti; depressam, caecam, iacentem domum pluris quam te et fortunas tuas aestimasti. . . . (Cic. *Orator*, 223.)

. . . Haec cum tu effugere non potuisses, contendes tamen et postulabis, ut M. Aemilius cum sua dignitate omni, cum patris memoria, cum avi gloria sordidissimae, levissimae, vanissimae genti ac prope dicam pellitis testibus condonetur? (Asconius.)

46 XXIII. . . . undique mihi suppeditat, quod pro M. Scauro dicam, quocumque non modo mens, verum etiam oculi inciderunt. Curia illa vos de gravissimo principatu patris fortissimoque testatur,[1] L. ipse Metellus, avus huius, sanctissimos deos illo constituisse in templo videtur in vestro conspectu, iudices, ut salutem a vobis nepotis sui deprecarentur, quod ipsi saepe multis laborantibus atque implorantibus ope
47 sua subvenissent: Capitolium illud templis tribus inlustratum, paternis atque etiam huius amplissimis donis ornati aditus Iovis Optimi Maximi, Iunonis Reginae, Minervae M. Scaurum apud *vos memoria huius munificentiae et liberalitatis publicae ab omni avari-*
48 *tiae aut cupiditatis suspitione defendunt: propinqua illa*

[1] *T resumes here; the preceding words from* undique *are from Asconius.*

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[a] The temple is that of Castor and Pollux, which Metellus had restored.

I, who have pillars of Alban marble, have had them conveyed in panniers . . .

. . . You had no house, perhaps? But you had one. You had plenty of money, perhaps? But you were in need. You ran your foolish head against those columns; you were frantic with avarice for what did not belong to you; you thought that a dilapidated, darkened, and demolished house was worth more than yourself and your fortunes. . . .

. . . Though you were unable to avoid this argument, will you still face the matter out, and demand that Marcus Aemilius, with all his own merits and all the splendid memory of his father and the fame of his grandfather, should be sacrificed to a mean, shallow, and superficial nation and to witnesses whom I had well-nigh described as skin-clad?

XXIII. On every hand I find matter for my use in 46
the defence of Marcus Scaurus, wheresoever my mind—nay, wheresoever my eyes turn. Yon senate-house bears witness to you of the dignified and intrepid eminence held by his father; while Lucius Metellus himself, my client's grandfather, may be thought to have set up the most holy gods in yonder temple full in your view, in order that they might win from you the deliverance of his grandson, inasmuch as they have often lent their aid to many suppliants and distressed persons.[a] Yon Capitol, proud with its 47
three temples, the approaches to that of Jupiter Best and Greatest, of Queen Juno, and of Minerva, adorned with the gifts of my client's father and with his own most generous ones, by the recollection of such public generosity and liberality defend Marcus Scaurus before you from every suspicion of avarice or self-seeking. And yonder neighbouring temple 48

aedes Vestae admonet vos, ut recordemini illius L. Metelli, pontificis maximi, qui, cum templum illud arderet, in medios se iniecit ignis et eripuit flamma Palladium illud, quod quasi pignus nostrae salutis atque imperii custodiis Vestae continetur. Qui utinam posset parumper exsistere! Eriperet ex hac flamma stirpem profecto suam, qui eripuisset ex illo incendio di*vinum*
49 *incolumitatis nostrae pignus* . . . tum. XXIV. Te vero, M. Scaure, *e*quidem vide*o*, video, inquam, non cogito solum, nec vero sine magno animi maerore ac dolore, cum tui filii squalorem aspexi, de te recordor. Atque utinam, sicut mihi tota in hac causa versatus ante oculos *es*, sic nunc horum te offeras mentibus et in horum animis adhaerescas. Species me dius *fidius viri, cui neminem vidimus parem consilio, gravitate, constantia, ceteris virtutibus, si posset reviviscere, sic omnis commoveret, ut, quisquis intueretur, is* etiam si forte non nosset, tamen principem civitatis esse diceret.

50 Quo te nunc modo appellem? Ut hominem? At non es inter nos. Ut mortuum? At vivis et viges: at in omnium animis atque ore versaris atque divinus animus mortale nihil habuit neque tuorum quicquam potuit emori praeter corpus: quocumque igitur te modo *appellari verum est, adsis nobis* . . .

of Vesta bids you remember that Lucius Metellus, who, as Pontifex Maximus, when the temple was ablaze, hurled himself into the thickest of the fire and snatched from the flames that Palladium which is the earnest of our well-being and our empire, and which lies in the safe keeping of Vesta. Would that he could be among us again but for a moment! Then assuredly, as he snatched from those fires of old the heaven-sent pledge of our security, so from these flames would he snatch his descendant. . . .

XXIV. But as for you, Marcus Scaurus, I see you 49
with my eyes, not merely think upon you, nor is it without great grief and sorrow of mind that I call you to memory, when I look upon your son's disarray. And would that, even as the image of you has haunted my vision throughout this whole trial, you might so confront the thoughts of these gentlemen and cleave fast within their minds. I swear that the aspect [of such a man, whose peer we have never seen in wisdom, dignity, resolution, and all other virtues, if he could but live again, would move you all so deeply that whoever looked upon him], even had he perchance never known him, would yet assert him to be a man of light and leading in our state.

And now in what terms am I to address you? As 50
a man? But you are no longer living among us. As one dead? Nay, you are in full physical vigour, you are present to the minds and visible to the eyes of all; and your divine mind had nothing in it that was mortal, nor could anything that was yours die, save your body. In whatever terms, therefore, it be right that I address you, stand at our side . . .

THE SPEECH ON BEHALF OF MARCUS FONTEIUS

INTRODUCTION

The chronology both of the delivery of this speech and of the circumstances with which it deals is doubtful.

Fonteius's father served as *legatus* in the Social War, and was killed at Asculum. His son was successively *triumvir* (perhaps a superintendent of the Mint) and *quaestor*. His quaestorship fell after the Lex Valeria (§ 1 note) and before his service as *legatus* in Spain, which we can definitely place in 83 (§ 6 " adventu L. Sullae "). He afterwards served as *legatus* in Thrace (§ 44). While Pompey was operating against Sertorius in Spain he was praetor in Gaul, for two years at least, as Pompey's army wintered in Gaul during his command (§ 16). Niebuhr places Fonteius's tour of duty in Gaul in the years 75 to 73. It was against a charge of corrupt practices during his tenure of this governorship that Cicero defends Fonteius in this speech.

The speech was delivered some time after the enactment of the Lex Aurelia (70) which deprived the Senate of their monopoly of the juries, enacting that they should be empanelled equally from Senate, *equites*, and *tribuni aerarii*. Pressure of business in the courts *de repetundis* (and an increase of business would be natural under their new constitution) and the time occupied in collecting provincial evidence may account for the delay in the proceedings.

ON BEHALF OF FONTEIUS

Fonteius was tried under the *Lex Cornelia de Repetundis*, which increased the penalties against the ever-growing numbers of convicted provincial governors. His prosecutor was M. Plaetorius. For some reason the case was adjourned for a second hearing (§ 37), and it was at this second hearing that this speech was delivered. An interesting feature of Cicero's treatment is his endeavour to enlist the interest of the newly-empanelled *equites* who had large financial interests in the province (§§ 11, 12, 46). The evidence against Fonteius was furnished chiefly by Gauls, and Cicero devotes much of his speech to impugning the credibility of their statements upon the ground of traditional Gallic inveracity. Evidence on behalf of the accused was given by citizens of Massilia and Narbo and by Romans resident in the province.

In its earlier and more mutilated parts the speech refutes an attack made by Plaetorius upon Fonteius's conduct during his quaestorship several years earlier. This refutation is as irrelevant to the case as the attack had been, but such irrelevancy never troubled the Roman judicial conscience. This part of the speech, difficult owing to its highly technical subject matter, is made more difficult by its fragmentary character. The main body of the speech, appealing chiefly, like the *Pro Scauro*, to Roman prejudice, is more straightforward, and the peroration rises to real eloquence.

PRO M. FONTEIO ORATIO

Fragmenta Palimpsesti Niebuhriani

1 I. . . . oportuisse ; an ita dissolvit, ut omnes alii dissolverunt ? Nam ita ego defendo M. Fonteium, iudices, itaque contendo, post legem Valeriam latam . . . te[1] . . . quaestore usque ad T. Crispinum quaestorem aliter neminem solvisse ; hunc omnium superiorum, huius autem omnes, qui postea fuerint,
2 auctoritatem dico secutos. Quid accusas, quid reprendis ? Nam quod in tabulis dodrantariis et quadrantariis, quas ait ab Hirtuleio institutas, Fontei officium desiderat, non possum existimare, utrum ipse erret an vos in errorem ducere velit. Quaero enim abs te, M. Plaetori, possitne tibi ipsi probata esse nostra causa, si, qua in re abs te M. Fonteius accusatur, auctorem habet eum, quem tu maxime laudas, Hirtuleium ; qua in re autem laudas Hirtuleium, Fonteius idem fecisse reperitur. Reprehendis solutionis

[1] *prob. part of* Fonteio.

[a] Enacted (86) the reduction of existing debts to one-fourth.

[b] " When H. on the public account made a payment of one-fourth of a debt, he would enter it as a payment of the whole debt ; but in order to keep the accounts straight, he must also enter three-fourths of the amount on the other side " (Long).

[c] H. was probably quaestor in 86, the year in which the *Lex Valeria* was enacted. C. is here discussing whether Fonteius, when quaestor, made disbursements from the treasury in the proper manner.

THE SPEECH ON BEHALF OF MARCUS FONTEIUS

(Delivered before a Court of Inquiry, 69 ?)

Fragment discovered by Niebuhr in a Vatican Palimpsest

I. . . . that he ought to have . . . ; or did he pay 1
as all the others paid ? For my defence, gentlemen of the jury, of Marcus Fonteius, my contention is that, since the enactment of the Valerian Law,[a] from his quaestorship until that of Titus Crispinus no one has ever paid otherwise ; I assert that my client followed the example of all his predecessors, while
all my client's successors have followed his. What 2
accusation do you make ? What fault can you find ? For with regard to the prosecutor's statement that in the account-books where the abatements of three-fourths and additions of one-fourth were made,[b] which he says were established by Hirtuleius,[c] he finds Fonteius to have failed in his duty, I cannot conclude whether he is himself mistaken, or wishes to lead you, gentlemen, astray. I put it to you, Marcus Plaetorius : can you bring yourself to admit that we have made good our case, if Marcus Fonteius, in that whereof you accuse him, has followed the lead of Hirtuleius in whose praises you are so loud, while in that for which you praise Hirtuleius, Fonteius has done exactly the same ? You censure the method

genus; eodem modo Hirtuleium dissolvisse publicae tabulae coarguunt. Laudas illum, quod dodrantarias tabulas instituerit; easdem Fonteius instituit et eodem genere pecuniae. Nam ne forte sis nescius et istas tabulas existimes ad diversam veteris aeris alieni rationem pertinere, ob unam causam et in uno genere sunt institutae. Nam cum publicanis, qui Africam, qui Aquileiense portorium conducta habebant[1] . . .

3 II. . . . cite . . . Nemo, nemo, inquam, iudices, reperietur, qui unum se in quaestura M. Fonteio nummum dedisse aut illum ex ea pecunia, quae pro aerario solveretur, detraxisse dicat; nullius in tabulis ulla huius furti significatio, nullum in iis nominibus intertrimenti aut deminutionis vestigium reperietur. Atqui homines, si qui in hoc genere quaestionis accusati sunt, reprehensos videmus primum testibus; difficile est enim eum, qui magistratui pecuniam dederit, non aut induci odio, ut dicat, aut cogi religione; deinde, si qua gratia testes deterrentur, tabulae quidem certe incorruptae atque integrae manent. Fac omnis amicissimos Fonteio fuisse, tantum hominum numerum ignotissimorum atque alienissimorum pepercisse huius capiti, consuluisse famae;

[1] conducta habebant *added by Niebuhr.*

of payment; the public account-books prove that Hirtuleius in his payments followed the same method. You praise Hirtuleius for his method of making reductions of three-fourths in the accounts; Fonteius instituted the same method with regard to the same description of money. For in case you should be so ignorant of the facts as to suppose that those accounts have reference to a quite different species of old-standing debt, I may tell you that they were established for the self-same reason to deal with the self-same description of money. For when to the tax-farmers who had taken out contracts for Africa and the harbour-dues of Aquileia . . .

II. . . . No one, no one, I say, gentlemen, will be 3 bold enough to assert that he gave Marcus Fonteius a penny during his quaestorship, or that Fonteius appropriated a penny from the money paid to him on the public account; in no one's books will there be found the slightest hint of such embezzlement, nor among all the items the slightest trace of such misappropriation or deficit. Yet we commonly find that any who are accused under an investigation of this nature are at the outset convicted by witnesses; for it is almost inconceivable that one who has given money to a magistrate should fail to be induced by resentment, or compelled by scruple, to disclose the fact; and, in the second place, supposing that the witnesses are intimidated by influence, the account-books at any rate remain, and they can neither be corrupted nor tampered with. Let us suppose that Fonteius enjoyed the close friendship of everyone, while all those vast numbers of persons concerned—persons utterly unknown to him and utterly unconnected with him—were anxious not to damage

res ipsa tamen ac ratio litterarum confectioque tabularum habet hanc vim, ut ex acceptis et datis quidquid fingatur aut surripiatur aut non constet, appareat. Acceptas populo Romano pecunias omnes isti rettulerunt; si protinus aliis aeque magnas aut solverunt aut dederunt, ut, quod acceptum populo Romano est, id expensum cuipiam sit, certe nihil potest esse detractum. Sin aliquid domum tulerunt, ex eorum arca, e ra . . .

4 III. Deorum hominumque fidem! Testis non invenitur in ducentiens et triciens sestertio! Quam multorum hominum? Sescentorum amplius. Quibus in terris gestum negotium est? Illo, illo, inquam, loco, quem videtis. Extra ordinemne pecunia est data? Immo vero nummus nullus sine litteris multis commotus est. Quae est igitur ista accusatio, quae facilius possit Alpis quam paucos aerarii gradus ascendere, diligentius Rutenorum quam populi Romani defendat aerarium, lubentius ignotis quam notis utatur, alienigenis quam domesticis testibus, planius se confirmare crimen lubidine barbarorum quam nostrorum
5 hominum litteris arbitretur? Duorum magistratuum, quorum uterque in pecunia maxuma tractanda procurandaque versatus est, triumviratus et quaesturae,

[a] A tribe of Southern Gaul.
[b] Either *coloniis deducendis* or *monetalis*.

his position, careful of his good name; yet the facts themselves, the form of the documents, and the way in which the accounts are made up are sufficient to make obvious any forgery, embezzlement, or inaccuracy on either the debit or the credit side. All these persons entered duly monies that they had received on account of the people of Rome; if they forthwith paid out or advanced to others equally large sums, so that what was received on account of the people of Rome was expended upon some person or other, then it is clear that nothing can have been embezzled. But if some of them took money home with them, from their cash in hand and from their . . .

III. So help me gods and men! In a case involving a sum of 3,200,000 sesterces not a single witness is forthcoming! And how many persons were concerned? More than six hundred. And in what country did the transactions take place? Why, in this, this that you see about you. Was any money paid irregularly? No, not a penny was touched without repeated memoranda. What then is the meaning of this prosecution which finds it easier to climb the Alps than just the few steps which lead to the Treasury, which defends the treasury of the Ruteni[a] more jealously than that of the people of Rome, which prefers unknown witnesses to those whom it knows, foreigners to fellow-citizens, and which thinks that it is establishing a charge more convincingly upon the capricious allegations of barbarians than upon the documentary evidence furnished by our own countrymen? The accounts of his two magistracies, the triumvirate[b] and the quaestorship, in each of which he had the handling and administration of large sums, are so accurately rendered, gentlemen,

ratio sic redditur, iudices, ut in iis rebus, quae ante
oculos gestae sunt, ad multos pertinuerunt, confectae
publicis privatisque tabulis sunt, nulla significatio
6 furti, nulla alicuius delicti suspicio referatur. His-
paniensis legatio consecuta est turbulentissumo rei
publicae tempore, cum adventu L. Sullae maxumi
exercitus in Italiam civium dissiderent iudiciis ac
legibus; atque hoc rei publicae statu desperato
qualis . . .

Fragmenta ab aliis scriptoribus servata

7 IV. Si nulla pecunia numerata est, cuius pecuniae quinquagesima est? . . . (C. Iulius Victor.)

8 . . . frumenti maximus numerus e Gallia, peditatus amplissimae copiae e Gallia, equites numero plurimi e Gallia. (Aquila.)

9 . . . Gallos post haec dilutius esse poturos. (Ammianus Marcellinus.)

10 . . . Plaetori matrem dum vixisset ludum; postquam mortua esset, magistros habuisse. (Quint. vi. 3. 51.)

Fragmentum in Codice Vaticano servatum

11 V. . . . hoc praetore oppressam esse aere alieno Galliam. A quibus versuras tantarum pecuniarum factas esse dicunt? A Gallis? Nihil minus. A quibus igitur? A civibus Romanis, qui negotiantur in Gallia. Cur eorum verba non audimus? Cur eorum tabulae nullae proferuntur? Insector ultro

[a] See Introduction.

[b] Italics represent a doubtful reading; the text appears to be corrupt.

that in matters which were conducted beneath the
general gaze, which affected many men, and which have
been embodied in both official and private accounts.
no hint of any embezzlement, no suspicion of miscon-
duct, can be discovered. There followed his legate- 6
ship in Spain at a time of deep public unrest, when
upon the arrival in Italy of Lucius Sulla[a] vast armies
contended *about laws and judicial procedure*[b]; and in
this desperate plight of the commonwealth . . .

Fragments preserved by other authors

IV. . . . If no money was paid, of what sum is 7
that a fiftieth part?

. . . A great amount of corn from Gaul, large 8
forces of infantry from Gaul, considerable numbers of cavalry from Gaul. . . .

. . . That the Gauls hereafter would drink in 9
more sober proportions. . . .

. . . That Plaetorius's mother had kept the school 10
so long as she was alive, and masters after she was dead.[c]

Fragment contained in the Vatican MS. and other MSS. deriving from it

V. . . . That under this praetor Gaul was over- 11
whelmed with debt. From whom is it asserted that loans so enormous were procured? From the Gauls? Not at all. From whom, then? From Roman citizens trading in Gaul. Why do we not hear what they have to say, and why are none of their accounts brought into court? I ply the prosecutor

[c] Quoted by Quintilian as an example of *double entente*; *magister* may mean either "schoolmaster" or "bailiff." See Quint. L.C.L. ed. vol. ii. p. 465.

atque insto accusatori, iudices; insector, inquam, et flagito testis. Plus ego in hac causa laboris et operae consumo in poscendis testibus quam ceteri defensores in refutandis. Audaciter hoc dico, iudices, non temere confirmo. Referta Gallia negotiatorum est, plena civium Romanorum. Nemo Gallorum sine cive Romano quicquam negotii gerit, nummus in Gallia nullus sine civium Romanorum tabulis com-
12 movetur. Videte, quo descendam, iudices, quam longe videar ab consuetudine mea et cautione ac diligentia discedere. Unae tabulae proferantur, in quibus vestigium sit aliquod, quod significet pecuniam *M.* Fonteio datam, unum ex tanto negotiatorum, colonorum, publicanorum, aratorum, pecuariorum numero testem producant; vere accusatum esse concedam.

Pro di immortales! Quae haec est causa, quae defensio? Provinciae Galliae M. Fonteius praefuit, quae constat ex iis generibus hominum et civitatum, qui, ut vetera mittam, partim nostra memoria bella cum populo Romano acerba ac diuturna gesserunt, partim modo ab nostris imperatoribus subacti, modo bello domiti, modo triumphis ac monumentis notati, modo ab senatu agris urbibusque multati sunt, partim qui cum ipso M. Fonteio ferrum ac manus contulerunt multoque eius sudore ac labore sub

with earnest insistence, gentlemen; I ply him, I say, and dun him for his witnesses. In the present case I am expending more pains and energy in making the prosecution produce their witnesses than counsel for the defence usually expend in cross-examining them. I say this confidently, gentlemen; I do not make my assertions without book. Gaul is packed with traders, crammed with Roman citizens. No Gaul ever does business independently of a citizen of Rome; not a penny changes hands in Gaul without the transaction being recorded in the books of Roman
citizens. Mark my condescension, gentlemen, and 12
how far I am departing from my customary habits of caution and exactitude. Let one single account be produced in which there is a single hint indicating that money has been given to Fonteius; let them bring forward the evidence of one single trader, colonist, tax-farmer, agriculturist, or grazier out of all the inhabitants; and I will grant that the charge is a true one.

In heaven's name, what a case is this, and how strange a task for defendant's counsel! Marcus Fonteius was in charge of the province of Gaul, which comprises a type of men and communities which (to say nothing of ancient times) have either within our own memory waged long and bitter wars with the people of Rome, or have been quite recently subdued by our generals, subjugated in war, brought to notice by the triumphs and memorials of which their conquest has been the occasion, and have lately had their lands and cities made forfeit by the senate; in some cases they have met in armed encounter with Marcus Fonteius himself, and have, at cost of much strenuous effort to him, been brought beneath the

populi Romani imperium dicionemque ceciderunt.
13 Est in eadem provincia Narbo Martius, colonia nostrorum civium, specula populi Romani ac propugnaculum istis ipsis nationibus oppositum et obiectum; est item urbs Massilia, de qua ante dixi, fortissimorum fidelissimorumque sociorum, qui Gallicorum bellorum pericula populi Rom. copiis atque praemiis compensarunt; est praeterea numerus civium Romanorum atque hominum honestissimorum. VI. Huic provinciae, quae ex hac generum varietate constaret, M. Fonteius, ut dixi, praefuit; qui erant hostes, subegit, qui proxime fuerant, eos ex iis agris, quibus erant multati, decedere coëgit, ceteris, qui idcirco magnis saepe erant bellis superati, ut semper populo Romano parerent, magnos equitatus ad ea bella, quae tum in toto orbe terrarum a populo Romano gerebantur, magnas pecunias ad eorum stipendium, maximum frumenti numerum ad Hispa-
14 niense bellum tolerandum imperavit. Is, qui gessit, in iudicium vocatur, vos, qui in re non interfuistis, causam una cum populo Romano cognoscitis, dicunt contra, quibus invitissimis imperatum est, dicunt, qui ex agris ex Cn. Pompei decreto decedere sunt coacti, dicunt, qui ex belli caede et fuga nunc primum audent contra M. Fonteium inermem consistere. Quid?

[a] Narbonne.
[b] Against Sertorius, 80–72.
[c] Probably because of opposition offered by them to P.'s march to Spain, 76.

power and dominion of the Roman people. In this 13
same province is the town of Narbo Martius,[a] a citizen-colony, which stands as a watch-tower and bulwark of the Roman people, and a barrier of defence against these tribes which I have mentioned; there is also the city of Massilia, to which I have already alluded, inhabited by brave and faithful allies, who have found in the resources and rewards of the Roman people a recompense for the dangers they have run in our Gallic wars; there is moreover a large body of highly respected Roman citizens. VI. Of this province with its heterogeneous population Marcus Fonteius, as I said just now, was appointed governor. Those who were our enemies he subdued; those who had recently been so he evicted from the farms they had forfeited; while from the remainder, who had been repeatedly conquered in great wars to the end that they might be made obedient for ever to the Roman people, he requisitioned large troops of cavalry to serve in the wars then being waged all over the world by the people of Rome, large sums of money to provide these with pay, and enormous quantities of corn to enable
us to carry on the war in Spain.[b] The man who 14
accomplished all this is summoned before your bar; you, who took no part in the events, are, in concert with the Roman people, taking cognisance of the case; our opponents are the men who met these requisitions with the utmost reluctance; they are the men who were evicted from their farms by the decree of Gnaeus Pompeius[c]; they are the men who, having escaped from war, massacre, and rout, venture for the first time to face Marcus Fonteius now when he is unarmed. And what of the colonists of

Coloni Narbonenses quid volunt, quid existimant? Hunc per vos volunt, se per hunc incolumes existimant esse. Quid Massiliensium civitas? Hunc praesentem iis adfecit honoribus, quos habuit amplissimos; vos autem absens orat atque obsecrat, ut sua religio, laudatio, auctoritas aliquid apud
15 vestros animos momenti habuisse videatur. Quid? Civium Romanorum quae voluntas est? Nemo est ex tanto numero, quin hunc optime de provincia, de imperio, de sociis et civibus meritum esse arbitretur.

VII. Quoniam igitur videtis, qui oppugnatum M. Fonteium, cognostis, qui defensum velint, statuite nunc, quid vestra aequitas, quid populi Romani dignitas postulet, utrum colonis vestris, negotiatoribus vestris, amicissimis atque antiquissimis sociis et credere et consulere malitis an iis, quibus neque propter iracundiam fidem neque propter infidelitatem
16 honorem habere debetis. Quid? Si maiorem etiam hominum honestissimorum copiam adferam, quae huius virtuti atque innocentiae testimonio possit esse, tamenne plus Gallorum consensio valebit quam summae auctoritatis hominum? Cum Galliae Fonteius praeesset, scitis, iudices, maximos populi Romani exercitus in duabus Hispaniis clarissimosque imperatores fuisse. Quam multi equites Romani,

Narbo? What is their desire, their view in the matter? Their desire is that he should owe his deliverance to you, their view that it is to him they stand indebted for their own. And what of the community of Massilia? While he was with them they conferred upon him the highest distinctions they had to bestow; and now, from their distant abode, they beg and implore you that their sense of honour, their commendation, their influence may appear to have been not without weight in determining your attitude. And our citizens of Rome, 15
what are their sentiments? No one of that immense body but considers that my client has done signal service to his province, to the empire, to our allies, and to his fellow-citizens.

VII. Since, therefore, you now perceive who are they who would have Marcus Fonteius assailed, and who would have him defended, you must now determine what it is that your sense of justice and the dignity of the Roman people demands—whether you prefer to rely upon the statements and to consult the welfare of your colonists, your trading interests, and your most attached and ancient allies, or of men who by their animosity have forfeited all claim to your trust and by their disloyalty all claim to your respect.
If, furthermore, I can produce a still more numerous 16
array of unimpeachable persons ready and able to attest my client's virtue and innocence, shall none the less the common judgement of Gauls prevail over that of men of the very highest authority? You are aware, gentlemen, that at the time when Fonteius was governor of Gaul there were in the two Spains large armies of the Roman people commanded by illustrious generals. How many were the Roman

quam multi tribuni militum, quales et quot et quotiens legati ad eos *exierunt*[1]! Exercitus praeterea Cn. Pompei maximus atque ornatissimus hiemavit in Gallia M. Fonteio imperante. Satisne vobis multos, satis idoneos testes et conscios videtur ipsa fortuna esse voluisse earum rerum, quae M. Fonteio praetore gererentur in Gallia? Quem ex tanto hominum numero testem in hac causa producere potestis? Quis est ex eo numero, qui vobis auctor placeat? Eo nos iam laudatore et teste utemur.
17 Dubitabitis etiam diutius, iudices, quin illud, quod initio vobis proposui, verissimum sit, aliud per hoc iudicium nihil agi, nisi ut M. Fonteio oppresso testimoniis eorum, quibus multa rei publicae causa invitissimis imperata sunt, segniores posthac ad imperandum ceteri sint, cum videant eos oppugnare, quibus *victoribus*,[2] populi Romani imperium incolume esse non possit?

VIII. Obiectum est etiam quaestum M. Fonteium ex viarum munitione fecisse, ut aut ne cogeret munire aut id, quod munitum esset, ne improbaret. Si et coacti sunt munire omnes et multorum opera improbata sunt, certe utrumque falsum est, et ob vacationem pretium datum, cum immunis nemo fuerit, et

[1] exierunt *suppl. by Pluygers.*
[2] victoribus *suppl. by Niebuhr.*

[a] Here C. turns to the counsel for the prosecution.

knights, how many the military tribunes, how many, how frequent, how eminent were the delegations that visited these armies! What is more, a large and splendid army commanded by Gnaeus Pompeius wintered in Gaul during Marcus Fonteius's tenure of power. Does it not seem that fortune herself designed that there should be witnesses adequate both in quantity and quality ready to attest by personal knowledge what was done in Gaul when Marcus Fonteius was praetor? Who is there of all this body whom you[a] can cite as witness in the present trial? Who is there of all this body whom you will accept as an authority? Him we will at once use as our witness and our panegyrist. And will you 17
have any further misgivings, gentlemen, of the absolute truth of the suggestion I made to you at the outset, that the sole motive behind these proceedings is that, when Marcus Fonteius has been overwhelmed by the evidence of men who deeply resent the requisitions made upon them in the public interest, his successors may hereafter be disinclined to make such requisitions in view of the possibility of attacks being made upon them by men whose victory could result only in the insecurity of the empire of the Roman people?

VIII. It is further alleged against Marcus Fonteius that he has made profits from the construction of roads, exacting a price either for not demanding their construction, or for not condemning those already constructed. If it is a fact that all states were compelled to construct, and also that in many cases the works were condemned, then it is obvious that both charges are false—the charge that exemptions were sold, because no exemptions were given, and the charge that the

18 ob probationem, cum multa improbata sint. Quid? Si hoc crimen optimis nominibus delegare possumus, et ita, non ut culpam in alios transferamus, sed uti doceamus eos isti munitioni praefuisse, qui facile officium suum et praestare et probare possunt, tamenne vos omnia in M. Fonteium iratis testibus freti conferetis? Cum maioribus rei publicae negotiis M. Fonteius impediretur, et cum ad rem publicam pertineret viam Domitiam muniri, legatis suis, primariis viris, C. Annio Bellieno et C. Fonteio, negotium dedit; itaque praefuerunt; imperaverunt pro dignitate sua, quod visum est, et probaverunt; quod vos, si nulla alia ex re, ex litteris quidem nostris, quas exscripsistis, et missis et adlatis certe scire potuistis. Quas si antea non legistis, nunc ex nobis, quid de iis rebus Fonteius ad legatos suos scripserit, quid ad eum illi rescripserint, cognoscite.

L. M. AD C. ANNIUM LEG., AD C. FONTEIUM LEG., L. A. AB C. ANNIO LEG., AB C. FONTEIO LEG.

19 Satis opinor esse perspicuum, iudices, hanc rationem munitionis neque ad M. Fonteium pertinere et ab iis esse tractatam, quos nemo possit reprehendere.

IX. Cognoscite nunc de crimine vinario, quod illi

[a] *i.e.*, the prosecution had demanded copies of them.

work was passed, because in several instances it was not passed. But suppose we should be able to shift 18 this imputation to the account of excellent persons, and that not in order to transfer culpability to others, but to prove that the men in charge of this road-construction are men who are well able to show that their duty was satisfactorily performed; will you still believe evidence dictated by rancour, and heap all the blame upon Marcus Fonteius? He, finding himself embarrassed by more urgent affairs of state, when it was a matter of state-interest that the Via Domitia should be constructed, entrusted the business to Gaius Annius Bellienus and Gaius Fonteius his lieutenants, men of the highest character. Accordingly they superintended it, giving such orders as seemed to them in their official capacity to be desirable, and expressing their satisfaction with the work. You have had the opportunity of learning this, if from no other source, at any rate from our letters, either sent or received, which you have had written out[a]; and if you have not previously read these, hear me read what Fonteius wrote to his lieutenants in this matter, and what they wrote in reply.

(*The letters sent to Gaius Annius the Lieutenant and to Gaius Fonteius the Lieutenant, and those received from Gaius Annius the Lieutenant and from Gaius Fonteius the Lieutenant, are read.*)

I think it is sufficiently clear, gentlemen, both 19 that this question of the road-construction is no concern of Marcus Fonteius, and also that it was dealt with by men who are quite beyond censure.

IX. Let us turn now to the charge with reference to wine, a charge intended by our opponents to be the

invidiosissimum et maximum esse voluerunt. Crimen a Plaetorio, iudices, ita constitutum est, M. Fonteio non in Gallia primum venisse in mentem, ut portorium vini institueret, sed hac inita iam ac proposita ratione Roma profectum. Itaque Titurium Tolosae quaternos denarios in singulas vini amphoras portorii nomine exegisse, Croduni Porcium et Munium ternos victoriatos, Vulchalone Servaeum binos victoriatos ; atque in his locis ab iis portorium esse exactum, si qui Cobiomacho, qui vicus inter Tolosam et Narbonem est, deverterentur neque Tolosam ire vellent, Elesiodulis senos denarios ab iis, qui ad
20 hostem portarent, exegissent. Video, iudices, esse crimen et genere ipso magnum (vectigal enim esse inpositum fructibus nostris dicitur, et pecuniam permagnam ratione ista cogi potuisse confiteor) et invidia vel maximum ; maxime enim inimici hanc rem sermonibus divulgari voluerunt. Sed ego ita existimo, quo maius crimen sit id, quod ostendatur esse falsum, hoc maiorem ab eo iniuriam fieri, qui id confingat. Vult enim magnitudine rei sic occupare animos eorum, qui audiunt, ut difficilis aditus veritati relinquatur.

De crimine vinario. De bello Vocontiorum. De dispositione hibernorum.

21 X. "At hoc Galli negant." At ratio rerum et

[a] *Portorium*, ordinarily custom-duty on imports or exports; in this case, according to Mommsen, a duty on imported Italian wine not levied at the port of Narbo, but on the roads which led thence into the province and its adjacent regions.

[b] Silver coin worth half a denarius, stamped with the figure of Victory.

[c] Probably matter purely technical omitted by C. from the version of the speech published after delivery.

most important and the most damaging of all. The terms in which the charge has been stated by Plaetorius are as follows : it was not in Gaul that Marcus Fonteius first conceived the idea of imposing a transit-duty[a] on wine, but the plan was suggested to him in Italy before he left Rome. Accordingly it is alleged that Titurius exacted at Tolosa four denarii on every amphora of wine under the head of transit-duty ; that at Crodunum Porcius and Munius exacted three *victoriati*[b] ; while at Vulchalo Servaeus exacted two *victoriati* ; also that in these districts transit-duty was exacted from any who turned aside at Cobiomachus (a village between Tolosa and Narbo), not wishing to proceed to Tolosa ; and that at Elesioduli they exacted six denarii on each amphora from those who conveyed wine to the enemy. I realize, 20
gentlemen, that this is a grave charge—grave not only in its actual nature—for it is alleged that a tax has been imposed on our produce, and I admit that vast sums might have been raised by this method—but grave also in the odium it must arouse ; for our enemies have done their best to spread this imputation by common talk as widely as possible. But, in my opinion, the heinousness of the outrage committed by the inventor of a charge which is proved to be false is great in proportion to the gravity of the offence alleged ; for by the very enormity of the charge he aims at so hypnotizing the minds of his hearers as to leave but a difficult access to the truth hereafter.

(Here follows matter[c] dealing with the charge of the wine-dues, the war with the Vocontii, and the arrangement of winter-quarters.)

X. "But," our opponents allege, "the Gauls deny 21

vis argumentorum coarguit. Potest igitur testibus iudex non credere? Cupidis et iratis et coniuratis et ab religione remotis non solum potest, sed etiam debet. Etenim si, quia Galli dicunt, idcirco M. Fonteius nocens existimandus est, quid mihi opus est sapiente iudice, quid aequo quaesitore, quid oratore non stulto? Dicunt enim Galli; negare non possumus. Hic si ingeniosi et periti et aequi iudicis has partes esse existimatis, ut, quoniam quidem testes dicunt, sine ulla dubitatione credendum sit, Salus ipsa virorum fortium innocentiam tueri non potest; sin autem in rebus iudicandis non minimam partem ad unam quamque rem existimandam momentoque suo ponderandam sapientiam iudicis, videte ne multo vestrae maiores gravioresque partes sint ad cogitandum quam ad dicendum meae.
22 Mihi enim semper una quaque de re testis non solum semel, verum etiam breviter interrogandus est, saepe etiam non interrogandus, ne aut irato facultas ad dicendum data aut cupido auctoritas adtributa esse videatur; vos et saepius eandem rem animis agitare et diutius uno de teste cogitare potestis et, si quem nos interrogare noluimus, quae causa nobis tacendi fuerit, existimare debetis. Quam ob rem, si hoc iudici praescriptum lege aut officio putatis,

this." But the circumstances of the case and the compelling nature of the arguments prove it. Is it possible, then, for a juryman to refuse belief to witnesses? To refuse belief to witnesses who are interested or prejudiced, who have entered into a conspiracy or who are devoid of scruple, is more than possible; it is obligatory. For indeed if Marcus Fonteius must be assumed to be guilty merely because the Gauls assert him to be so, what need, pray, for a wise jury, an impartial president, an advocate not without intelligence? The Gauls assert it; it is no good our denying. If you think it to be the duty of a clever, experienced, and impartial juryman to think that a statement must be unhesitatingly believed just because witnesses assert it, then the goddess of Salvation herself cannot protect the innocence of a brave gentleman. But if in the determination of a verdict you consider the sagacity of a juryman to find its chief scope in the scrutiny of every circumstance and the weighing of it by its inherent importance, then bethink you whether your function as critics is not a far graver and more momentous one than my own as pleader. My task 22
in every case is to question a witness upon each point not merely once only, but also briefly—often, indeed, to abstain from questioning him, so as not to give passion the opportunity of utterance or to seem to attach weight to self-interest. *You* are in a position repeatedly to revolve a point in your minds and to give prolonged consideration to the evidence of a single witness; and, if we have shown reluctance to cross-examine, it is for you to infer a motive for our silence. If therefore you think that a juryman has either a legal or a moral obligation to believe wit-

testibus credere, nihil est, cur alius alio iudice melior aut sapientior existimetur. Unum est enim et simplex aurium iudicium et promisce et communiter stultis ac sapientibus ab natura datum.
23 Quid est igitur, ubi elucere possit prudentia, ubi discerni stultus auditor et credulus ab religioso et sapienti iudice? Nimirum illud, in quo ea, quae dicuntur a testibus, coniecturae et cogitationi traduntur, quanta auctoritate, quanta animi aequitate, quanto pudore, quanta fide, quanta religione, quanto studio existimationis bonae, quanta cura, quanto timore dicantur. XI. An vero vos id in testimoniis hominum barbarorum dubitabitis, quod persaepe et nostra et patrum memoria sapientissimi iudices de clarissimis nostrae civitatis viris dubitandum non putaverunt? Qui Cn. et Q. Caepionibus, L. et Q. Metellis testibus in Q. Pompeium, hominem novum, non crediderunt, quorum virtuti, generi, rebus gestis fidem et auctoritatem in testimonio cupiditatis atque inimicitiarum suspicio derogavit.
24 Ecquem hominem vidimus, ecquem vere commemorare possumus parem consilio, gravitate, constantia, ceteris virtutis, honoris, ingenii, rerum gestarum ornamentis M. Aemilio Scauro fuisse? Tamen huius, cuius iniurati nutu prope terrarum orbis regebatur, iurati testimonio neque in C. Fimbriam neque in C. Memmium creditum est; noluerunt ii,

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[a] Charged with extortion, 138, and acquitted.

[b] Cos. 123; served as legate to Bestia in war with Jugurtha (111); was with others prosecuted, at the instance of Memmius, for bribery, but escaped by getting himself appointed on the commission which was to inquire into the matter.

nesses, then there can be no reason for judging one juryman to be better or wiser than another. For the judgement of the ear is single and it is simple, and has been bestowed by nature upon both wise and foolish with indiscriminate universality. What scope then 23
has sagacity for display, or how can the mere unreflecting and uncritical listener be distinguished from the scrupulous and sagacious juryman? Surely on occasions when the depositions of a witness are submitted to scrutiny and reflection which determines the authority, the impartiality, the honour, the faith, the conscientiousness, the regard for reputation, the care, and the scrupulous reverence with which those depositions are made. XI. Or will *you*, gentlemen, in dealing with the evidence of barbarians, show hesitation, whereas frequently, within the recollection both of ourselves and of our fathers, the wisest of juries, in regard to the most eminent citizens of our own country, thought that there should be no hesitation? They refused belief to evidence given by Gnaeus and Quintus Caepio and by Lucius and Quintus Metellus against Quintus Pompeius,[a] the first of his family to hold office; for though virtuous, noble, and illustrious in action, their credibility and authority as witnesses was impaired by a suspicion of animus and self-interest. Is there a man whom 24
we have seen or whom we can truly name as the peer in discretion, dignity, and strength of will, and all other great qualities, or in the distinctions of a great career, a brilliant intellect, and splendid achievements, of Marcus Aemilius Scaurus[b]? Yet he, who unsworn well-nigh controlled the earth by his nod, had no belief accorded to his sworn evidence against Gaius Fimbria and Gaius Memmius. Those who sat

qui iudicabant, hanc patere inimicitiis viam, quem quisque odisset, ut eum testimonio posset tollere. Quantus in L. Crasso pudor fuerit, quod ingenium, quanta auctoritas, quis ignorat? Tamen is, cuius etiam sermo testimonii auctoritatem habebat, testimonio ipso, quae in M. Marcellum inimico animo
25 dixit, probare non potuit. Fuit, fuit illis iudicibus divinum ac singulare, iudices, consilium, qui se non solum de reo, sed etiam de accusatore, de teste iudicare arbitrabantur, quid fictum, quid fortuna ac tempore adlatum, quid pretio corruptum, quid spe aut metu depravatum, quid a cupiditate aliqua aut inimicitiis profectum videretur. Quae si iudex non amplectetur omnia consilio, non animo ac mente circumspiciet, si, ut quidque ex illo loco dicetur, ex oraculo aliquo dici arbitrabitur, profecto satis erit, id quod dixi antea, non surdum iudicem huic muneri atque officio praeesse; nihil erit, quam ob rem ille nescio quis sapiens homo ac multarum rerum peritus ad res iudicandas requiratur.

26 XII. An vero illi equites Romani, quos nos vidimus, qui nuper in re publica iudiciisque maximis floruerunt, habuerunt tantum animi, tantum roboris, ut M. Scauro testi non crederent; vos Volcarum atque Allobrogum testimoniis non credere timetis?

in judgement were unwilling that private enmity should be afforded in the witness-box an open road to ruin the object of individual hatred. Who is there who does not know the sense of honour, the ability, the influence that marked Lucius Crassus? None the less, a man whose very conversation had all the impressiveness of evidence, could not, when he spoke from the witness-box, render plausible the statements that dislike prompted him to utter against Marcus Marcellus. Yes, gentlemen, the jurymen of 25
those days were inspired with a lofty and sublime conception of their duty; the verdict they gave was, they thought, not a verdict upon the defendant alone, but upon the prosecutor and upon the witness; they had to determine the inventions of falsehood, the contributions of chance or opportunism, the corruptions of bribery, the distortions of hope or fear, the promptings of self-interest or of hatred. If the juryman does not embrace all this in his deliberation, does not earnestly and intelligently view it from every side, if he assumes that all that is spoken from the witness-box is the utterance of an oracle, then assuredly, as I said before, any man who is not deaf will be amply qualified to fulfil the office and the function of juryman. There will be no earthly reason why the responsibility of giving a verdict should demand some paragon of wisdom and wide experience.

XII. Or had those great knights of Rome whom 26
our eyes beheld, and who of late maintained a proud position in our political and judicial life, sufficient courage and resolution to refuse belief to the evidence of Marcus Scaurus; and are *you* afraid to *dis*believe the testimony of Volcae and Allobroges? If it was

Si inimico testi credi non oportuit, inimicior Marcello Crassus aut Fimbriae Scaurus ex civilibus studiis atque obtrectatione domestica quam huic Galli? Quorum qui optima in causa sunt, equites, frumentum, pecuniam semel atque iterum ac saepius invitissimi dare coacti sunt, ceteri partim ex veteribus bellis agro multati, partim ab hoc ipso bello superati et oppressi.
27 Si, qui ob aliquod emolumentum suum cupidius aliquid dicere videntur, iis credi non convenit, credo maius emolumentum Caepionibus et Metellis propositum fuisse ex Q. Pompei damnatione, cum studiorum suorum obtrectatorem sustulissent, quam cunctae Galliae ex M. Fontei calamitate, in qua illa provincia prope suam immunitatem ac libertatem positam esse arbitratur.

An, si homines ipsos spectare convenit, id quod in teste profecto valere plurimum debet, non modo cum summis civitatis nostrae viris, sed cum infimo cive Romano quisquam amplissimus Galliae comparandus est? Scit Indutiomarus, quid sit testimonium dicere? Movetur eo timore, quo nostrum unus quisque, cum
28 in eum locum productus est? XIII. Recordamini, iudices, quantopere laborare soleatis, non modo quid dicatis pro testimonio, sed etiam quibus verbis utamini, ne quod minus moderate positum, ne quod ab

[a] Chieftain of the Allobroges.

wrong to disbelieve evidence prompted by enmity, was Crassus a more bitter enemy of Marcellus or Scaurus of Fimbria, by reason of political partisanship and private rancour, than the Gauls are to my client? Even those of them who stand in the most favourable position have been compelled time and time again, and most often sorely against their will, to provide cavalry, corn, and money; while all the rest have either forfeited their lands as a result of ancient war or have been by my client himself overpowered and crushed in war. If it is illogical to believe those 27
whose statements appear to be actuated by a self-interested desire for some personal gain, are we to take it that the Caepiones and the Metelli stood to gain more highly from the condemnation of Quintus Pompeius, which would have meant the removal of the thwarter of all their schemes, than all the Gauls hoped for from the downfall of Marcus Fonteius, on which that province believed that its immunity and freedom almost depended?

If, on the other hand, it is proper to consider the characters of individuals (and this surely must be of the highest importance in a witness), is any the most honourable native of Gaul to be set on the same level with even the meanest citizen of Rome, let alone with the highest men of our commonwealth? Does Indutiomarus[a] know what is meant by giving evidence? When he is brought into the witness-box, is he affected by that sense of awe from which none of *us* is exempt? XIII. Remind yourselves, gentle- 28
men, what anxious pains you are wont to bestow not merely upon the matter of your utterances as witnesses, but even upon the words you use, for fear lest any should seem to stand in a position of undue

aliqua cupiditate prolapsum verbum esse videatur; vultu denique laboratis ne qua significari possit suspicio cupiditatis, ut, et cum proditis, existimatio sit quaedam tacita de vobis pudoris ac religionis, et cum disceditis, ea diligenter conservata ac retenta videa-
29 tur. Credo haec eadem Indutiomarum in testimonio timuisse aut cogitavisse, qui primum illud verbum consideratissimum nostrae consuetudinis "ARBITROR," quo nos etiam tunc utimur, cum ea dicimus iurati, quae comperta habemus, quae ipsi vidimus, ex toto testimonio suo sustulit atque omnia se "scire" dixit. Verebatur enim videlicet, ne quid apud vos populumque Romanum de existimatione sua deperderet, ne qua fama consequeretur eius modi, Indutiomarum, talem virum, tam cupide, tam temere dixisse; non intellegebat se in testimonio nihil praeter vocem et os et audaciam neque civibus suis neque accusatoribus
30 nostris praestare debere. An vero istas nationes religione iuris iurandi ac metu deorum immortalium in testimoniis dicendis commoveri arbitramini? Quae tantum a ceterarum gentium more ac natura dissentiunt: quod ceterae pro religionibus suis bella suscipiunt, istae contra omnium religiones; illae in bellis gerendis ab dis immortalibus pacem ac veniam petunt, istae cum ipsis dis immortalibus bella gesserunt.

[a] *Credo*, as usual, indicates irony.

stress, or to have slipped from you in a moment of heat. Even as to your face you take pains that no suspicion of self-interested motives should be suggested therein, in order that, both when you enter the witness-box there may be a sort of silent judgement formed as to your modesty and good faith and that, when you leave, it may seem to have been maintained and confirmed to the letter. These, 29
doubtless,[a] are the very fears and thoughts which Indutiomarus entertained when he gave his evidence—but, in the first place, that phrase of wholesome discretion which we are accustomed to employ—the phrase "I think"—used by us when we give utterance even on oath to statements of ascertained fact of which we have been eye-witnesses, that phrase had no place in all his evidence; in every case he said "I know"! Yes, for he was palpably afraid lest he should forfeit some of his reputation in your eyes and those of the Roman people, afraid of the tale going round, "To think of a man like Indutiomarus making such partial, such wild statements"; but he failed to see that there was nothing which he was bound to furnish either to his own citizens or to our prosecutors in his evidence except his voice, his impudence, and his effrontery. Or do you think that nations like 30
that are influenced, when they give evidence, by the sanctity of an oath or by the fear of the immortal gods, differing so widely from all other nations as they do in habits and in character? Other nations wage wars in defence of their religion, they do so against the religion of every people; others in waging war entreat the favour and the pardon of the immortal gods, they wage war against the immortal gods themselves. XIV. These are the

XIV. Hae sunt nationes, quae quondam tam longe ab suis sedibus Delphos usque ad Apollinem Pythium atque ad oraculum orbis terrae vexandum ac spoliandum profectae sunt. Ab isdem gentibus sanctis et in testimonio religiosis obsessum Capitolium est atque ille Iuppiter, cuius nomine maiores nostri vinctam
31 testimoniorum fidem esse voluerunt. Postremo his quicquam sanctum ac religiosum videri potest, qui etiamsi quando aliquo metu adducti deos placandos esse arbitrantur, humanis hostiis eorum aras ac templa funestant, ut ne religionem quidem colere possint, nisi eam ipsam prius scelere violarint? Quis enim ignorat eos usque ad hanc diem retinere illam immanem ac barbaram consuetudinem hominum immolandorum? Quam ob rem quali fide, quali pietate existimatis esse eos, qui etiam deos immortalis arbitrentur hominum scelere et sanguine facillime posse placari? Cum his vos testibus vestram religionem coniungetis, ab his quicquam sancte aut moderate dictum putabitis?
32 Hoc vestrae mentes tam castae, tam integrae sibi suscipient, ut, cum omnes legati nostri, qui illo triennio in Galliam venerunt, omnes equites Romani, qui in illa provincia fuerunt, omnes negotiatores eius provinciae, denique omnes, in Gallia qui sunt socii populi Romani atque amici, M. Fonteium incolumem esse cupiant, iurati privatim et publice laudent, vos tamen cum Gallis iugulare malitis? Quid ut secuti esse videamini? Voluntatemne hominum? Gravior

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[a] Brennus and his Galli, about 279.
[b] 390, when Rome was sacked.

tribes [a] which in old days set forth upon a far journey from their homes and came to the oracle of the Pythian Apollo at Delphi, the resort of the whole world, to harry and to despoil. It was these same tribes of upright and punctilious oath-regarders who beset the Capitol [b] and the temple of that Jove with whose name our ancestors chose to seal their plighted troth. Finally, can anything appear holy or 31
sacrosanct to men who, if ever they are so worked upon by some fear as to deem it necessary to placate the gods, defile the altars and temples of those gods with human victims, so that they cannot even practise religion without first violating that very religion with crime? For who does not know that to this very day they retain the monstrous and barbarous custom of sacrificing men? What then, think you, is the honour, what the piety, of those who even think that the immortal gods can best be appeased by human crime and bloodshed? And is it to such witnesses as these that you propose to attribute your own religious sentiments? Is it from these that you will look for upright or circumspect speech?
Is this a responsibility which your pure and honest 32
hearts will undertake, that while all our lieutenants who had visited Gaul for the preceding three years, all Roman knights who had been in that province, all traders settled there, and, in a word, all in Gaul who are the allies and friends of the Roman people, have the security of Marcus Fonteius at heart and both officially and unofficially give him their sworn commendation,—that you none the less choose rather to join with Gauls in committing murder? And what would you be thought to have followed? Is it men's wishes? Shall the wishes of your enemies

igitur vobis erit hostium voluntas quam civium? An dignitatem testium? Potestis igitur ignotos notis, iniquos aequis, alienigenas domesticis, cupidos moderatis, mercennarios gratuitis, impios religiosis, inimicissimos huic imperio ac nomini bonis ac fidelibus et sociis et civibus anteferre?

33 XV. An vero dubitatis, iudices, quin insitas inimicitias istae gentes omnes et habeant et gerant cum populi Romani nomine? Sic existimatis eos hic sagatos bracatosque versari animo demisso atque humili, ut solent ii, qui adfecti iniuriis ad opem iudicum supplices inferioresque confugiunt? Nihil vero minus. Hi contra vagantur laeti atque erecti passim toto foro cum quibusdam minis et barbaro atque immani terrore verborum; quod ego profecto non crederem, nisi aliquotiens ex ipsis accusatoribus vobiscum simul, iudices, audissem, cum praeciperent, ut caveretis, ne hoc absoluto novum aliquod bellum
34 Gallicum concitaretur. Si M. Fonteium, iudices, in causa deficerent omnia, si turpi adulescentia, vita infami, magistratibus, quos ante oculos vestros gessit, convictis virorum bonorum testimoniis, legationibus flagitiose obitis, invisus suis omnibus in iudicium vocaretur, si in eo iudicio colonorum populi Romani

[a] *i.e.*, in their national dress. Transalpine Gaul was often called *Gallia Braccata*.

weigh more with you than those of your fellow-citizens? Is it the respectability of the witnesses? Can you then bring yourselves to prefer men of whom you know nothing to men whom you know, the prejudiced to the dispassionate, the foreigner to your own countrymen, the interested to the judicious, the hireling to the unrewarded, the unscrupulous to the conscientious, and the bitterest foes of our empire and our name to true and loyal allies and citizens?

XV. Can you hesitate to believe, gentlemen, that it 33
is a blood-feud which is cherished and which is waged by all those tribes against the name of the Roman people? Do you think that as they stand here, cloaked and breeched,[a] theirs is the meek submissive mood customary to the victims of outrage who, as humble lieges, appeal for aid to a jury? Nothing could be further from the truth. Nay, with proud and unflinching mien they stroll from end to end of the forum, with vague threats and uncouth barbarian menaces upon their lips—a thing which I could never have believed, had I not heard the prosecutors themselves, as indeed you also heard them, gentlemen, when they warned you to have a care lest the acquittal of my clients should kindle some new war in Gaul. If Marcus Fonteius, gentle- 34
men, had not a leg to stand upon in the case; if, after a sullied youth and a life of scandal, he were arraigned before the court convicted by the testimony of good men and true of misconduct in the offices he has exercised before your eyes and of gross misbehaviour in the tenure of his lieutenantships, and were hated by all his acquaintance; and if in the trial he were crushed beneath a load of incriminating

Narbonensium, fidelissimorum sociorum Massiliensium, civium Romanorum omnium testimoniis tabulisque premeretur, tamen esset vobis magnopere providendum, ne, quos its adflictos a vestris patribus maioribusque accepissetis, ut contemnendi essent, eos pertimuisse et eorum minis et terrore commoti
35 esse videremini. Nunc vero cum laedat nemo bonus, laudent omnes vestri cives atque socii, oppugnent idem, qui saepissime hanc urbem et hoc imperium oppugnarunt, cumque inimici M. Fontei vobis ac populo Romano minentur, amici ac propinqui supplicent vobis, dubitabitis non modo vestris civibus, qui maxime gloria ac laude ducuntur, verum etiam exteris nationibus et gentibus ostendere vos in sententiis ferendis civi parcere quam hosti cedere maluisse ?

36 XVI. Magna mehercules causa, iudices, absolutionis cum ceteris causis haec est, ne quae insignis huic imperio macula atque ignominia suscipiatur, si hoc ita perlatum erit in Galliam, senatores equitesque populi Romani non testimoniis Gallorum, sed minis commotos rem ad illorum lubidinem iudicasse. Ita vero, si illi bellum facere conabuntur, excitandus nobis erit ab inferis C. Marius, qui Indutiomaro isti minaci atque adroganti par in bello gerendo esse possit, excitandus Cn. Domitius et Q. Maximus, qui nationem Allobrogum et reliquas suis iterum armis conficiat atque opprimat, aut, quoniam id quidem non

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[a] Defeated Cimbri and Teutones, 102.
[b] Cn. D. defeated Allobroges 122, Q. M. (Fabius) 121.

evidence and documents brought against him by the Narbonese colonists of the Roman people, by our trusty allies of Massilia, and by all the citizens of Rome—even so it would be your duty carefully to guard against letting it appear that men whom your fathers and forefathers left so stricken as to be contemptible had been able to arouse your fears and work upon you by their threats and intimidations.
But as it is, since no true man assails, but all your 35
citizens and your allies applaud him ; since he is attacked by those who have repeatedly attacked this city and this empire ; and since the enemies of Marcus Fonteius threaten you and the people of Rome, while his friends and relatives are your suppliants ; will you hesitate to show not only to your fellow-citizens, who are influenced above all by glory and honour, but to foreign tribes and nations, that in giving your votes you have preferred to spare a citizen rather than to submit to a foe ?

XVI. And, among all the motives that should lead 36
you to acquittal, this, assuredly, is not the least, gentlemen, that no grave stain of ignominy fall upon this empire, should intelligence be conveyed to Gaul that the senate and knights of the Roman people, influenced not by the evidence of the Gauls but by their threats, have let the will and pleasure of that nation determine their verdict. And if this is indeed so, we shall be constrained, should they attempt to make war upon us, to summon up from the shades Gaius Marius,[a] to be a fair match in combat to Indutiomarus with his menaces and his arrogance, to summon up Gnaeus Domitius [b] and Quintus Maximus, to crush and overwhelm once more by their arms the Allobroges and the other tribes ; or, since that may not

potest, orandus erit nobis amicus meus, M. Plaetorius, ut suos novos clientis a bello faciendo deterreat, ut eorum iratos animos atque horribilis impetus deprecetur, aut, si non poterit, M. Fabium, subscriptorem eius, rogabimus, ut Allobrogum animos mitiget, quoniam apud illos Fabiorum nomen *est* amplissimum, ut velint isti aut quiescere, id quod victi ac subacti solent, aut, cum minantur, intellegere se populo Romano non metum belli, sed spem triumphi ostendere?

37 Quod si in turpi reo patiendum non esset, ut quicquam isti se minis profecisse arbitrarentur, quid faciendum vobis in M. Fonteio arbitramini? De quo homine, iudices, (iam enim mihi videor hoc prope causa duabus actionibus perorata debere dicere) de quo vos homine ne ab inimicis quidem ullum fictum probrosum non modo crimen, sed ne maledictum quidem audistis. Ecquis umquam reus, praesertim in hac vitae ratione versatus in honoribus petendis, in potestatibus, in imperiis gerendis, sic accusatus est, ut nullum probrum, nullum facinus, nulla turpitudo, quae a lubidine aut a petulantia aut ab audacia nata esset, ab accusatore obiceretur, si non vera, at certe ficta cum aliqua ratione ac suspicione?

38 XVII. M. Aemilium Scaurum, summum nostrae civitatis virum, scimus accusatum a M. Bruto. Extant orationes, ex quibus intellegi potest multa in illum ipsum Scaurum esse dicta, falso; quis negat? verum

[a] There had probably been a *comperendinatio* or adjournment of the earlier hearing of the case.

[b] Four celebrated trials for extortion are alluded to here, that of Scaurus (91), Aquilius (98?), Cotta (131), Rutilius (92).

be, we shall have to beg my friend Marcus Plaetorius to deter his latest clients from making war upon us, and to use his entreaties to mitigate the anger of their hearts and the horror of their onslaught; or, should he fail in this, we shall beg his junior, Marcus Fabius, to assuage the wrath of the Allobroges, since the Fabian name is one to conjure with among that people, and to induce them either to remain quiet, as is customary with conquered and subdued nations, or, when they threaten, to realize that it is not the fear of war, but the hope of triumph that they are holding out to the Roman people.

And if it were intolerable, even were the defendant some despicable fellow, that they should think 37 their threats had achieved aught, how should you behave, think you, when your defendant is Marcus Fonteius, one against whom—for I think I have every right to say this now that I have all but concluded my pleading in two trials [a]—one against whom you have heard even from the mouths of his enemies no false reproach, let alone any scandalous charge? Was ever defendant—above all one who moved in such a sphere as my client, a candidate for office, a holder of authority, a wielder of command,—was ever defendant thus accused?—no scandal, no deed of violence, no immorality born of lust, insolence, or effrontery, laid to his charge by the prosecution, if not with truth, at least with some plausible and suspicious circumstances to support their fictions?

XVII. We know that Marcus Aemilius Scaurus,[b] 38 most eminent of our countrymen, was accused by Marcus Brutus. The speeches are extant, and from these it may be gathered that many charges were levelled against Scaurus's personal character—falsely,

tamen ab inimico dicta et obiecta. Quam multa M'. Aquilius audivit in suo iudicio, quam multa L. Cotta, denique P. Rutilius! qui etsi damnatus est, mihi videtur tamen inter viros optimos atque innocentissimos esse numerandus. Ille igitur ipse homo sanctissimus ac temperantissimus multa audivit in sua causa, quae ad suspicionem stuprorum ac
39 libidinum pertinerent. Extat oratio hominis, ut opinio mea fert, nostrorum hominum longe ingeniosissimi atque eloquentissimi, C. Gracchi; qua in oratione permulta in L. Pisonem turpia ac flagitiosa dicuntur. At in quem virum! qui tanta virtute atque integritate fuit, ut etiam illis optumis temporibus, cum hominem invenire nequam neminem posses, solus tamen Frugi nominaretur. Quem cum in contionem Gracchus vocari iuberet et viator quaereret, quem Pisonem, quod erant plures: "Cogis me," inquit, "dicere: inimicum meum Frugi." Is igitur vir, quem ne inimicus quidem satis in appellando significare poterat, nisi ante laudasset, qui uno cognomine declarabatur non modo quis esset, sed etiam qualis esset, tamen in falsam atque iniquam probrorum insimulationem vocabatur; M. Fonteius ita duabus actionibus accusatus est, ut obiectum nihil
40 sit, quo significari vestigium libidinis, petulantiae, crudelitatis, audaciae possit; non modo nullum facinus huius protulerunt, sed ne dictum quidem aliquod reprehenderunt.

[a] See note *b* on p. 344.
[b] Attacked G.'s *Lex Frumentaria* (123).

without doubt, yet levelled and alleged by his opponent they were. How numerous were the indictments to which Manius Aquilius [a] had to listen in his trial! or Lucius Cotta [a]! or Publius Rutilius [a]! the last of whom, condemned though he was, seems to me worthy of a place among the best and most irreproachable of men. Yes, that model of uprightness and continence heard laid to his charge much that implied suspicion of adulterous and licentious conduct.
There is extant a speech delivered by one who was, 39
in my opinion, by far the ablest and most eloquent of our fellow-countrymen, Gaius Gracchus; and in this speech he insinuates many base and scandalous actions against Lucius Piso.[b] And what a man was his victim!—one who displayed such virtue and integrity, that, even in those great days when it was impossible to find a worthless character, he alone was called the Honest. When Gracchus ordered that he should be summoned before the assembled people, and when the attendant asked which Piso (for there were several who bore the name), he remarked, "You force me to say—My opponent, Piso the Honest." Yes, the man whom even his enemy could not sufficiently indicate without praising, whose bare surname alone declared not only his identity but his character, was yet called upon to meet a false and unjust charge of scandalous conduct. Marcus 40
Fonteius has been arraigned in two trials without anything being alleged against him from which the slightest taint of licentious, headstrong, cruel, or unscrupulous conduct can be inferred. So far from adducing any crime that he has committed, they have not even laid hold of any word of his as blameworthy.

XVIII. Quodsi, aut quantam voluntatem habent ad hunc opprimendum aut quantam ad male dicendum licentiam, tantum haberent aut ad ementiendum animi aut ad fingendum ingenii, non meliore fortuna ad probra non audienda M. Fonteius quam illi, de quibus antea commemoravi, fuisset. Frugi igitur hominem, iudices, frugi, inquam, et in omnibus vitae partibus moderatum ac temperantem, plenum pudoris, plenum officii, plenum religionis videtis positum in vestra fide ac potestate, atque ita, ut commissus sit fidei, permissus potestati.

41 Videte igitur, utrum sit aequius hominem honestissimum, virum fortissimum, civem optimum dedi inimicissimis atque immanissimis nationibus an reddi amicis, praesertim cum tot res sint, quae vestris animis pro huius innocentis salute supplicent, primum generis antiquitas, quam Tusculo, ex clarissimo municipio, profectam in monumentis rerum gestarum incisam ac notatam videmus, tum autem continuae praeturae, quae et ceteris ornamentis et existimatione innocentiae maxime floruerunt, deinde recens memoria parentis, cuius sanguine non solum Asculanorum manus, a qua interfectus est, sed totum illud sociale bellum macula sceleris imbutum est, postremo ipse cum in omnibus vitae partibus honestus atque integer, tum in re militari cum summi consilii et maximi animi, tum vero usu quoque bellorum gerendorum

[a] The first act of the Social War (91) was the massacre of Caepio, a proconsul, and Fonteius, his lieutenant.

XVIII. If their courage in mendacity or their ingenuity in invention were but proportionate to their eagerness to work his downfall or their recklessness in abusing him, then Fonteius would have been no better off, as regards immunity from scandalous attack, than those whom I have just mentioned. It is an honest man, therefore, honest, I say, moderate and self-controlled in every detail of his life, a model of honour, of devotion to duty, and of conscientiousness, whom you see placed here under your protection and in your power—yes, solemnly entrusted to your protection, placed absolutely in your power.

Ask yourselves, then, whether it is more just that 41 an honourable man, a gallant gentleman, and a patriotic citizen should be given over to hostile and insensible barbarians or given back to his friends, especially when there are so many circumstances which appeal to your sympathies and urge the acquittal of my innocent client. There is first the antiquity of his family, springing, as we know, from the illustrious municipality of Tusculum, upon the records of whose history it is conspicuously engraved; there is next an unbroken series of praetorships held by that family, distinguished by general brilliance of achievement, but above all by the spotless character they bear before the world; there is thirdly the still recent memory of his father, the stain of whose blood has dyed with the hues of crime not only that Asculan[a] troop by whom he was slain, but the whole of that war with our allies; there is, finally, my client himself, honourable and upright in every department of life, endowed, as a soldier, with the highest prudence and the loftiest courage, and skilled, as are

in primis eorum hominum, qui nunc sunt, exercitatus.

42 XIX. Quare si etiam monendi estis a me, iudices, quod non estis, videor hoc leviter pro mea auctoritate vobis praecipere posse, ut ex eo genere homines, quorum cognita virtus, industria, felicitas in re militari sit, diligenter vobis retinendos existimetis. Fuit enim maior talium virorum in hac re publica copia; quae cum esset, tamen eorum non modo saluti, sed etiam honori consulebatur. Quid nunc vobis faciendum est studiis militaribus apud iuventutem obsoletis, fortissimis[1] autem hominibus ac summis ducibus partim aetate, partim civitatis discordiis ac rei publicae calamitate consumptis, cum tot bella aut a nobis necessario suscipiantur aut subito atque inprovisa nascantur? Nonne et hominem ipsum ad dubia rei publicae tempora reservandum et ceteros studio laudis ac virtutis inflammandos putatis?

43 Recordamini, quos legatos nuper in bello L. Iulius, quos P. Rutilius, quos L. Cato, quos Cn. Pompeius habuerit; scietis fuisse tum M. Cornutum, L. Cinnam, L. Sullam, praetorios homines, belli gerendi peritissimos; praeterea C. Marium, P. Didium, Q. Catulum, P. Crassum, non litteris homines ad rei militaris scientiam, sed rebus gestis ac victoriis eruditos. Age vero, nunc inserite oculos in curiam, intro-

[1] fortissimis *suppl. Müller.*

few men in the present age, in all the problems of practical warfare.

XIX. Wherefore, gentlemen, if you need, too, any reminder from me (as indeed you do not), I think that I may, in a modest way, as far as I carry any weight, enjoin upon you to keep carefully in your service men of this description, whose valour, energy, and good fortune in warfare have been weighed and not found wanting. In time past there was a greater abundance of such men in our commonwealth than to-day; yet though this was so, not only their safety but also their honour was regarded. And to-day how should you act, now that the profession of arms has fallen out of fashion among our youth; when our best men and our greatest generals have been wasted either by age or by civil dissension and public calamity; when wars so numerous are either unavoidably undertaken by us, or sprung upon us with unforeseen suddenness? Do you not think you should retain this man himself against our nation's doubtful hour, while at the same time you kindle his fellow-countrymen to the pursuit of honour and virtue? Recollect the lieutenants recently employed in war in the service of Lucius Julius, of Publius Rutilius, of Lucius Cato, and of Gnaeus Pompeius; you will learn that among the past masters of warfare holding praetorian rank at that time were Marcus Cornutus, Lucius Cinna, and Lucius Sulla, not to mention Gaius Marius, Publius Didius, Quintus Catulus, and Publius Crassus, men who gained their military knowledge not from text-books but from their operations and their victories. And now, if you please, cast your eyes over the senate-house, and scan deeply every

spicite penitus in omnis rei publicae partes; utrum videtis nihil posse accidere, ut tales viri desiderandi sint, an, si acciderit, eorum hominum copia populum Romanum abundare? Quae si diligenter attendetis, profecto, iudices, virum ad labores belli impigrum, ad pericula fortem, ad usum ac disciplinam peritum, ad consilia prudentem, ad casum fortunamque felicem domi vobis ac liberis vestris retinere quam inimicissimis populo Romano nationibus et crudelissimis tradere et condonare maletis.

44 XX. At infestis prope signis inferuntur Galli in M. Fonteium et instant atque urgent summo cum studio, summa cum audacia. Video, iudices; sed multis et firmis praesidiis vobis adiutoribus isti immani atque intolerandae barbariae resistemus. Primum obicitur contra istorum impetus Macedonia, fidelis et amica populo Romano provincia; quae cum se ac suas urbes non solum consilio, sed etiam manu M. Fontei conservatam esse dicat, ut illa per hunc a Thraecum adventu ac depopulatione defensa est, sic ab huius nunc capite Gallorum impetus terroresque
45 depellit. Constituitur ex altera parte ulterior Hispania, quae profecto non modo religione sua resistere istorum cupiditati potest, sed etiam sceleratorum hominum periuria testimoniis ac laudationibus suis refutare. Atque ex ipsa etiam Gallia fidelissima et gravissima auxilia sumuntur. Venit huic subsidio

[a] See Introduction.

department of public life; can you not conceive the possibility of circumstances arising when there may be a call for such men as this; or, should such circumstances arise, do you think that the Roman people is particularly rich in such men? View carefully these considerations, gentlemen, and you will assuredly prefer to retain at home in the service of yourselves and your children a man so tireless in the toils of war, so valiant in the face of its perils, so skilled in its theory and its practice, so wise in its strategy, so fortunate in its accidents and its chances, rather than to resign him to the tender mercies of cruel tribesmen who are the bitterest foes of the Roman people.

XX. But Gaul is, as it were, mustering her bat- 44
talions against Marcus Fonteius, launching and pressing home against him a virulent and unscrupulous assault. I know it, gentlemen; but behind various and redoubtable defences we shall, with your assistance, defy this savage and unconscionable assault of barbarism. Your first outwork against their attack is Macedonia, a province loyal in friendship with the Roman people, which, declaring that itself and its cities owe their preservation to the brawn, as well as to the brain, of Marcus Fonteius,[a] repels the threatening assaults of the Gauls from his head, even as it was itself defended by him from the
devastating inroads of the Thracians. Ranged upon 45
the other wing is Further Spain,[a] which assuredly is able not only to oppose its loyalty to the wild ambition of our foe, but also by its testimonies and panegyrics to refute the perjuries of scoundrels. What is more, even from Gaul itself we draw loyal and potent reinforcements. Help comes to this un-

misero atque innocenti Massiliensium cuncta civitas, quae non solum ob eam causam laborat, ut huic, a quo ipsa servata est, parem gratiam referre videatur, sed etiam quod ea condicione atque eo fato se in iis terris collocatam esse arbitratur, ne quid nostris
46 hominibus istae gentes nocere possint. Propugnat pariter pro salute M. Fontei Narbonensis colonia, quae per hunc ipsa nuper obsidione hostium liberata nunc eiusdem miseriis ac periculis commovetur. Denique, ut oportet bello Gallico, ut maiorum iura moresque praescribunt, nemo est civis Romanus, qui sibi ulla excusatione utendum putet; omnes illius provinciae publicani, agricolae, pecuarii, ceteri negotiatores uno animo M. Fonteium atque una voce defendunt.

XXI. Quodsi tantas auxiliorum nostrorum copias Indutiomarus ipse despexerit, dux Allobrogum ceterorumque Gallorum, num etiam de matris hunc complexu, lectissimae miserrimaeque feminae, vobis inspectantibus avellet atque abstrahet? Praesertim cum virgo Vestalis ex altera parte germanum fratrem complexa teneat vestramque, iudices, ac populi Romani fidem inploret; quae pro vobis liberisque vestris tot annos in dis immortalibus placandis occupata est, ut ea nunc pro salute sua
47 fratrisque sui animos vestros placare possit. Cui miserae quod praesidium, quod solacium reliquum est hoc amisso? Nam ceterae feminae gignere ipsae sibi praesidia et habere domi fortunarum omnium socium participemque possunt; huic vero virgini quid est

happy and innocent gentleman in the shape of the entire community of Massilia, which not only strives to exhibit due gratitude to my client to whom it owes its preservation, but also believes that the obligation and the destiny imposed upon it by its geographical situation is to protect our fellow-countrymen from molestation at the hands of those tribes. At its side 46
to do battle for Marcus Fonteius stands the colony of Narbo, which, freed but recently by my client's aid from beleaguering foes, is to-day stirred to its depths by his parlous plight. Finally—as is right in a war with Gaul, and as the principles and practice of our ancestors prescribe—there is no citizen of Rome who deigns to resort to any excuse, but all the tax-collectors, farmers, stock-raisers, and traders of the province rally with one heart and one voice to the defence of Marcus Fonteius.

XXI. If Indutiomarus himself, leader of the Allobroges and all the Gauls, should despise forces so powerful gathered to aid us, shall he drag and tear my client even from the embrace of that peerless though unhappy lady his mother, while you raise no finger to stay him? Shall he do so, though upon the other side a Vestal Maid casts her arms about the brother of her blood, imploring your protection, gentlemen, and that of the Roman people? She has devoted so many years to propitiating the immortal gods on behalf of you and your children, that she may well to-day propitiate your hearts when she appeals on behalf of herself and her brother. What protection, 47
what comfort is left to the poor lady, if he is taken from her? Other women can bear protectors for themselves; they can have at their own homes a companion and a participant in all life's chances;

praeter fratrem quod aut iucundum aut carum esse possit? Nolite pati, iudices, aras deorum immortalium Vestaeque matris cotidianis virginis lamentationibus de vestro iudicio commoneri; prospicite, ne ille ignis aeternus nocturnis Fonteiae laboribus vigiliisque servatus sacerdotis vestrae lacrimis extinctus esse
48 dicatur. Tendit ad vos virgo Vestalis manus supplices easdem, quas pro vobis dis immortalibus tendere consuevit. Cavete, ne periculosum superbumque sit eius vos obsecrationem repudiare, cuius preces si di aspernarentur, haec salva esse non possent. Videtisne subito, iudices, virum fortissimum, M. Fonteium, parentis et sororis commemoratione lacrimas profudisse? Qui numquam in acie pertimuerit, qui se armatus saepe in hostium manum multitudinemque immiserit, cum in eius modi periculis eadem se solacia suis relinquere arbitraretur, quae suus pater sibi reliquisset, idem nunc conturbato animo pertimescit, ne non modo ornamento et adiumento non sit suis, sed etiam cum acerbissimo luctu dedecus aeternum miseris atque ignominiam
49 relinquat. O fortunam longe disparem, M. Fontei, si deligere potuisses, ut potius telis tibi Gallorum quam periuriis intereundum esset! Tum enim vitae socia virtus, mortis comes gloria fuisset; nunc vero qui est dolor victoriae te atque imperii poenas

but to this maiden what can be dear or delightful save her brother? Suffer it not, gentlemen, that the altars of the immortal gods and of Mother Vesta should by the daily lamentations of their Maid be put in mind of your tribunal; have a care lest it be said that the undying fire guarded by Fonteia's sleepless toil through the watches of the night has been quenched by the tears of your priestess. To you a 48
Vestal Maid extends in supplication the same hands which she has been accustomed to extend to the immortal gods on your behalf. Bethink you of the peril that lies in wait for such pride, if you should be deaf to the appeal of one, the rejection of whose supplication by the gods would dissolve the fabric of our daily lives. Do you mark, gentlemen, how Marcus Fonteius, brave man though he be, has at my allusion to his parent and his sister broken into sudden tears? Never has he flinched upon the field, often has he dashed into the thickest of the fray fighting sword in hand against fearful odds, thinking, as he faced such dangers, that he left behind the same solace to his dear ones as his father had left to him. Yet he to-day flinches, for his mind is clouded with a doubt lest, far from lending aid and honour to his own, he may even leave to his hapless loved ones undying dishonour and ignominy that shall wring their hearts with sorrow. O how unlike to this would have been 49
your fate, Marcus Fonteius, could you have made election that it were better to perish by the weapons of the Gauls than by their perjuries? Then would Valour have been your companion in life, and Honour your comrade in death; but now what anguish is yours!—to bow beneath the bludgeonings of domineering triumph inflicted by the pleasure

ad eorum arbitrium sufferre, qui aut victi armis sunt aut invitissimi paruerunt!

A quo periculo defendite, iudices, civem fortem atque innocentem; curate, ut nostris testibus plus quam alienigenis credidisse videamini, plus saluti civium quam hostium lubidini consuluisse, graviorem duxisse eius obsecrationem, quae vestris sacris praesit, quam eorum audaciam, qui cum omnium sacris delubrisque bella gesserunt. Postremo prospicite, iudices, id quod ad dignitatem populi Romani maxime pertinet, ut plus apud vos preces virginis Vestalis quam minae Gallorum valuisse videantur.

of those who were either vanquished by your arms or who submitted with reluctance to your rule.

From this peril, gentlemen, defend a gallant and a blameless citizen; let the world see that you place more confidence in the evidence of our fellow-countrymen than in that of foreigners, that you have greater regard for the welfare of our citizens than for the caprice of our foes, that you set more store by the entreaties of her who presides over your sacrifices than by the effrontery of those who have waged war against the sacrifices and the shrines of all the world. Finally, gentlemen, see to it—and herein the dignity of the Roman people is most nearly concerned—that you show that the prayers of a Vestal Maid have had more weight with you than the threats of Gauls.

THE SPEECH ON BEHALF OF GAIUS RABIRIUS POSTUMUS

INTRODUCTION

In 81 Ptolemy Alexander II. had upon his death bequeathed his domains to the Roman people. The bequest was ignored by Sulla and the Senate, and a kinsman of the dead king, Ptolemy Auletes ("the Piper"), seized Alexandria and the throne of Egypt. In 58 he was expelled by the populace, came to Rome, and appealed to the Triumvirs for restoration, scattering among the Senate bribes of money which he had borrowed from usurers among the *equites*. In the number of these was one with whom he had had dealings some years before at Alexandria (§ 3), C. Rabirius Postumus; his father, C. Curtius, a prominent *publicanus*, had died before his son was born (hence the name Postumus), and the child had been adopted by his mother's brother, C. Rabirius, possibly the man whom Cicero had defended in 63 on a charge of treason.

In 57 the Senate decided that P. Lentulus Spinther, consul of that year, and proconsul-designate of Cilicia, should restore Ptolemy in 56. The enemies of Lentulus, however, found or invented in the Sibylline books a warning against the restoration of Ptolemy by force of arms (§ 4, note). This objection prevailed, and no further official steps were taken in the matter.

But in the meantime help had come to the king

from another quarter. Gabinius, Piso's colleague in the consulship of 58, who had got Syria for his province, had, as we learn from the *In Pisonem* (§§ 48-50), invaded Egypt and forcibly restored Ptolemy to his throne, induced thereto by a bribe of 10,000 talents given him by the king.

Upon his return to Rome in 54 Gabinius found himself faced by three prosecutions: one for corrupt practices; one for treason, in that without sanction of the Senate he had left his province to wage war (on this charge he was acquitted through Pompey's influence); and one for *repetundae*,[a] in which he was charged with taking a bribe from Ptolemy and with extorting money from the Syrian provincials. Pompey, whose support had probably emboldened Gabinius to interfere in the affairs of Egypt, urged Cicero to undertake his defence. The orator, after writing a melodramatic "Never!" to his brother Quintus,[b] consented; in spite of all, Gabinius was convicted and exiled.

His property was not sufficient to meet the damages of 10,000 talents in which he was cast at the *litis aestimatio* following the trial. There was a clause in the *Lex Iulia de Repetundis* under which money improperly received could be recovered from any party into whose hands it could be traced (§ 8). Under this clause Rabirius was summoned, on the charge that into his hands had passed some of the money which Gabinius had illegally received, though, as Cicero asserts (§§ 8-12), he had been specifically

[a] The word includes extortion, but covers bribery in the provinces as well.

[b] "Pompeius . . . adhuc nihil profecit; nec, si ullam partem libertatis tenebo, proficiet," *Ad Q. Fr.* iii. 1. 5.

named neither in Gabinius's trial nor in the *litis aestimatio* which followed it.

Cicero, who in spite of protestations to the contrary (see note *b*) had lost his " liberty " when he had received his recall from Pompey's hand, thus found himself compelled to espouse the cause of one after another of the creatures of the Triumvirs ; and his defence of Rabirius, the client of Caesar, was the natural corollary to his defence of Gabinius, the creature of Pompey. Thus, though the argumentative part of this speech is mainly based on the technical plea that Rabirius's name had not been mentioned in the *litis aestimatio*, the most effective passage is the eloquent appeal based on Caesar's support and Caesar's greatness. There is a glow of feeling shed about this panegyric, as about others in the later speeches of this volume where Cicero lauds the great conqueror, which betrays sincere admiration and lifts them above mere opportunist adulation. Of Rabirius's relations with Caesar previous to the speech we know nothing ; and the one fact we can glean of his later career is that Caesar sent him to Sicily in the African War (*Bell. Afr.* c. 8).

PRO C. RABIRIO POSTUMO ORATIO

1 I. Si quis est, iudices, qui C. Rabirium, quod fortunas suas fundatas praesertim atque optime constitutas potestati regiae libidinique commiserit, reprehendendum putet, ascribat ad iudicium suum non modo meam, sed huius etiam ipsius, qui commisit, sententiam: neque enim cuiquam eius consilium vehementius quam ipsi displicet. Quamquam hoc plerumque facimus, ut consilia eventis ponderemus et, cui bene quid processerit, multum illum providisse, cui secus, nihil sensisse dicamus. Si exstitisset in rege fides, nihil sapientius Postumo: quia fefellit rex, nihil hoc amentius dicitur, ut iam nihil esse videatur nisi divinare sapientis.

2 Sed tamen, si quis est, iudices, qui illam Postumi sive inanem spem sive inconsultam rationem sive, ut gravissimo verbo utar, temeritatem vituperandam putet, ego eius opinioni non repugno: illud tamen

[a] Ptolemy; the circumstances are explained in §§ 6, 22 *seq.*

THE SPEECH ON BEHALF OF GAIUS RABIRIUS POSTUMUS

(Delivered before a Court of Inquiry, 54)

I. If there is anyone, gentlemen of the jury, who thinks that Gaius Rabirius is deserving of censure for having submitted a fortune so eminently well invested and established as his own to the power and caprice of a king,[a] he is at liberty to count to the support of his view not only my vote but also that of the man himself who has thus acted; for indeed there is no one who so heartily disapproves that act as the agent thereof. Still, it is a habit of ours to gauge the wisdom of a project by its results, and while imputing foresight to the successful, to charge the unsuccessful with the lack of it. Had the king shown himself honest, Postumus would have been a monument of sagacity; as the king has deceived him, he is pronounced the greatest of fools; in fact, it appears that wisdom to-day has come to be nothing more than guess-work. 1

However, gentlemen, if there is anyone who thinks that Postumus's conduct — whether arising from unfounded hopes or faulty logic or, to apply the severest term possible, from pure recklessness—is deserving of rebuke, I have no objection to his so thinking; what I do claim is that such an one, ob- 2

deprecor, ut, cum ab ipsa Fortuna crudelissime videat huius consilia esse multata, ne quid ad eas ruinas, quibus hic oppressus est, addendum acerbitatis putet. Satis est homines imprudentia lapsos non erigere, urgere vero iacentis aut praecipitantis impellere certe est inhumanum, praesertim, iudices, cum sit hoc generi hominum prope natura datum, uti, qua in familia laus aliqua forte floruerit, hanc fere, qui sunt eius stirpis, quod sermone hominum ac memoria patrum virtutes celebrantur,[1] cupidissime persequantur: si quidem non modo in gloria rei militaris Paulum Scipio aut Maximum filius, sed etiam in devotione vitae et in ipso genere mortis imitatus est P. Decium filius.

3 II. Sint igitur similia, iudices, parva magnis: fuit enim pueris nobis huius pater C. Curtius princeps ordinis equestris fortissimus et maximus publicanus, cuius in negotiis gerendis magnitudinem animi non tam homines probassent, nisi in eodem benignitas incredibilis fuisset, ut in augenda re non avaritiae praedam, sed instrumentum bonitati quaerere videre-
4 tur. Hoc ille natus, quamvis patrem suum numquam viderat, tamen et natura ipsa duce, quae plurimum valet, et adsiduis domesticorum sermonibus in paternae vitae similitudinem deductus est: multa

[1] sermone . . . celebrantur *Schütz*: quod sermo h. ad memoriam p. virtute celebretur *MSS.*

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[a] *i.e.*, Aemilianus, destroyer of Carthage, son of Aem. Paulus, conqueror of Macedonia.

[b] M. was the *cognomen* of the chief branch of the Fabian *gens*; it is uncertain to which member C. refers here.

[c] The Romans believed that their armies had won victories at Veseris (340) by the self-sacrifice of the elder Decius, and at Sentinum (295) by that of his son.

serving the relentless manner in which my client's projects have been thwarted by fortune herself, should not think it necessary to add a further bitterness to the downfall that has overtaken him. Enough to withhold the helping hand from those who have slipped through imprudence; but to belabour them in their prostrate condition, or to add impetus to their headlong fall, is surely barbarous—the more so, gentlemen, since it is almost an instinct in the human race that members of a family which has won credit in some particular line should in that line ardently pursue distinction, seeing that the virtues of their fathers are perpetuated by the speech and recollection of the world; so did Scipio [a] emulate the military renown of Paulus; so also did his son emulate Maximus [b]; so also Publius Decius [c] was imitated by his son in the sacrificing of his life and in the very manner of his death.

II. Let us then compare, gentlemen, the great and the small. In my boyhood my client's father, 3
Gaius Curtius,[d] was the gallant chief of the equestrian order and eminent among the tax-farmers; and the magnanimity that marked his business relations would not have gained such recognition from the world, had he not also been filled with a boundless philanthropy which suggested that in the acquisition of wealth he sought not so much to gratify his avarice as to find an outlet for the kindness of his heart. My client was his son; and although 4
he had never seen his father, under the potent guidance of nature and the influence of constant talks in the household circle he was led to model himself after the parental pattern. His business interests and

[d] See § 45 note.

gessit; multa contraxit; magnas partis habuit publicorum: credidit populis; in pluribus provinciis eius versata res est; dedit se etiam regibus; huic ipsi Alexandrino grandem iam ante pecuniam credidit: nec interea locupletare amicos umquam suos destitit, mittere in negotium, dare partis, augere re, fide sustentare. Quid multa? Cum magnitudine animi tum liberalitate vitam patris et consuetudinem expresserat.

Pulsus interea regno Ptolemaeus dolosis consiliis, ut dixit Sibylla, sensit Postumus, Romam venit: huic egenti et roganti hic infelix pecuniam credidit, nec tum primum: nam regnanti crediderat absens, nec temere se credere putabat, quod erat nemini dubium quin is in regnum restitueretur a senatu
5 populoque Romano. In dando autem et credendo processit longius, nec suam solum pecuniam credidit, sed etiam amicorum. Stulte: quis negat aut quis iam audebit, quod male cecidit, bene consultum putare?[1] At est difficile, quod cum spe magna sis ingressus, id non exsequi usque ad extremum. III. Supplex erat rex; multum rogabat; omnia pollicebatur, ut iam metuere Postumus cogeretur ne quod crediderat perderet, si credendi constituisset modum; nihil autem erat illo blandius,

[1] iam audebit *Müller*: iam amovet (*or* admovet) *MSS.* iam audet, *Madvig*; iam volet, *Halm.*

[a] The Sibylline Books—in which political intriguers were generally able to find what suited them—had been discovered to contain a passage permitting Ptolemy's reinstatement, but "without a multitude" (*i.e.*, an army). Cicero in *Ad fam.* i. 4 and 7, writes sarcastically about this discovery.

contracts were extensive; he held many shares in state enterprises; nations had him for creditor; his transactions covered many provinces; he put himself at the disposal even of kings. He had previously lent large sums to this very king of Alexandria; but in the midst of all this he never ceased enriching his friends, sending them upon commissions, bestowing shares upon them, advancing them by his wealth and supporting them by his credit. In short, by his generosity as well as by his magnanimity he reproduced the life and habits of his father.

In the meantime Ptolemy had been expelled from his kingdom, and had come to Rome—"with guileful intent," as the Sibyl[a] said, and as Postumus learnt to his cost. The king was in need, and appealed to him; and my unhappy client made him an advance—not for the first time, for he had already done so without seeing his debtor, who at that time was still in occupation of his throne. He thought the loan involved no risk, since no one doubted that the king was in process of being restored to his realm by the
Senate and people of Rome. But in his gifts and his 5
loans he went rather too far, lending not his own money only but also that of his friends. A foolish thing to do: Who denies it, or who will now dare to think an act judicious which has ended in disaster? But it is difficult, when you embark on a project with bright hopes, not to pursue it to the very end. III. His suppliant was a king; he was persistent in his application and lavish in his promises; and in the end Postumus was constrained to fear lest he might lose what he had already lent, should he impose limits to his lending. But no one was more charming

nihil hoc benignius, ut magis paeniteret coepisse quam liceret desistere.

Hinc primum exoritur crimen illud: senatum
6 corruptum esse dicunt. O di immortales! Haec est illa exoptata iudiciorum severitas? Corruptores nostri causam dicunt: nos, qui corrupti sumus, non dicimus! Quid? Ego senatum defendam hoc loco, iudices? Omni equidem loco debeo—ita de me est meritus ille ordo,—sed nec id agitur omni tempore nec cum Postumi causa res ista coniuncta est. Quamquam ad sumptum itineris, ad illam magnificentiam apparatus comitatumque regium suppeditata pecunia a Postumo est factaeque syngraphae sunt in Albano Cn. Pompei, cum ille Roma profectus esset, tamen non debuit is, qui dabat, quo modo ille, qui accipiebat, consumeret quaerere; non enim latroni, sed regi credidit, nec regi inimico populi Romani, sed ei, cuius reditum consuli mandatum a senatu videbat, nec ei regi, qui alienus ab hoc imperio esset, sed ei, quicum foedus feriri in Capitolio viderat.
7 Quod si creditoris culpa est, si qui improbe credita pecunia usus est, damnetur is, qui fabricatus gladium est et vendidit, non is, qui illo gladio civem aliquem interemit. Quam ob rem neque tu, C. Memmi, hoc facere debes, ut senatum, cuius auctoritati te ab adulescentia dedisti, in tanta infamia versari velis,

[a] C. speaks as a senator, and unites with himself the senator-members of the jury. He means: if the Senate has been bribed, it ought to be put upon its trial.

[b] P. Lentulus.

[c] The prosecutor.

than the king, no one more generously disposed than my client, with the result that he rather repented having begun the business than found it possible to break it off.

Here arises the first charge; it is alleged that
the Senate has been corrupted. Great heavens! Is 6
this our much-desired strictness of the courts? Our corrupters are pleading their case; we, the corrupted, are not pleading ours[a]! It is not for me, gentlemen, to use the present occasion for a defence of the Senate. I am, indeed, bound to defend it on all occasions—so deep is the obligation under which I stand to that order—but that is not our business to-day, nor is that matter relevant to the case of Postumus. Although money was supplied by Postumus for travelling expenses and towards providing the pomp and circumstance of a king's retinue, and although the promissory notes were made out at Gnaeus Pompeius's villa at Alba after its owner had left Rome, still it was not for the lender to inquire how the borrower spent the money he had received. His creditor was a king, not a robber; and not a king who was hostile to the people of Rome, but one for whose restoration a mandate had, as he knew, been given to a consul[b] by the Senate; not a king who had had no relations with this empire, but one with whom he had seen a treaty
made on the Capitol. But if it is the lender who is 7
to blame, rather than he who has made unscrupulous use of the money that has been lent to him, then let us have sentence passed on the swordsmith and the retailer of arms rather than upon him who has used the sword to slay a fellow-citizen. Wherefore neither ought you, Gaius Memmius,[c] wish to see the Senate, to maintain whose influence you have devoted yourself from youth upwards, mixed up with such a

neque ego id, quod non agitur, defendere; Postumi enim causa, quaecumque est, seiuncta a senatu est.
8 Quod si item a Gabinio seiunctam ostendero, certe quod dicas nihil habebis. IV. Est enim haec causa, QUO EA PECUNIA PERVENERIT, quasi quaedam appendicula causae iudicatae atque damnatae. Sunt lites aestimatae A. Gabinio, nec praedes dati nec ex bonis populo universa pecunia exacta est. Iubet lex Iulia persequi ab eis, ad quos ea pecunia, quam is ceperit, qui damnatus sit, pervenerit. Si est hoc novum in lege Iulia, sicuti multa sunt severius scripta quam in antiquis legibus et sanctius, inducatur sane etiam
9 consuetudo huius generis iudiciorum nova: sin hoc totidem verbis translatum caput est, quot fuit non modo in Cornelia, sed etiam ante in lege Servilia, per deos immortalis! quid agimus, iudices, aut quem hunc morem novorum iudiciorum in rem publicam inducimus? Erat enim haec consuetudo nota vobis quidem omnibus, sed si usus magister est optimus, mihi debet esse notissima. Accusavi de pecuniis repetundis; iudex sedi; praetor quaesivi; defendi plurimos: nulla pars, quae aliquam facultatem discendi adferre posset, non mea fuit.

[a] Quoted from the *Lex Iulia de Repetundis*.
[b] Measures of Sulla (80) and of Glaucia (111) dealing with extortion.

scandalous charge, nor ought I to make a defence irrelevant to our present issue. For the cause of Postumus, whatever it be, is entirely unconnected with the cause of the Senate. And if I show that it is 8
similarly unconnected with that of Gabinius, then assuredly you will not have a leg left to stand upon.

IV. For the question at issue to-day—the question "what has become of the money?"[a]—is a sort of appendix to one which has been already decided and wherein a conviction has been given. Damages were assessed against Aulus Gabinius, but no securities were given, and the people did not realize from the sale of his property the full amount of those damages. The Julian law enacts that full restitution should be exacted from those into whose hands has passed money received from a convicted person. If this provision of the Julian law is a new one—an example of the tendency to greater strictness and severity than is found in the ancient laws—then let us also have an entirely new procedure in trials dealing with such matters. But if the clause is conveyed entire 9
and word for word not only from the Cornelian[b] law but from the yet earlier Servilian law, then in the name of heaven, gentlemen, what is it that we are doing, or what is this novel principle of judicial procedure that we are foisting upon the state? The existing mode of procedure was well known to all of you, and yet, if practice is the best of teachers, there is none to whom it should be so well known as to me. I have prosecuted for extortion, I have sat as juryman, I have conducted the inquiry as praetor, I have frequently defended in such cases. There is no capacity which could afford a man an opportunity for gaining information, in which I have not acted.

Ita contendo neminem umquam, QUO EA PECUNIA PERVENISSET, causam dixisse, qui in aestimandis litibus appellatus non esset; in litibus autem nemo appellabatur nisi ex testium dictis aut tabulis
10 privatorum aut rationibus civitatum. Itaque in inferendis litibus adesse solebant qui aliquid de se verebantur, et, cum erant appellati, si videbatur, statim contra dicere solebant; sin eius temporis recentem invidiam pertimuerant, respondebant postea: quod cum fecissent, permulti saepe vicerunt.

V. Hoc vero novum est, et ante hoc tempus omnino inauditum: in litibus Postumi nomen est nusquam. In litibus dico? Modo vos idem in A. Gabinium iudices sedistis: num quis testis Postumum appellavit? Testis autem? Num accusator? Num denique toto illo in iudicio Postumi nomen
11 audistis? Non igitur reus ex ea causa, quae iudicata est, redundat Postumus, sed est adreptus unus eques Romanus de pecuniis repetundis reus. Quibus tabulis? Quae in iudicio A. Gabinii recitatae non sunt. Quo teste? A quo tum appellatus nusquam est. Qua aestimatione litium? In qua Postumi mentio facta nulla est. Qua lege? Qua non tenetur.

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[a] *i.e.*, no charge of malversation is laid unless based on evidence brought before a *litis aestimatio*; see Introduction.

[b] The *Lex Iulia* applied directly only to provincial governors, indirectly also to those who had been receivers of the proceeds of extortion.

Accordingly I am in a position to assert that no one was ever put upon his trial on the question "what had become of the money?" unless he had been summoned in the assessment of damages; and in such assessments[a] no one was summoned save upon the depositions of witnesses or accounts of private persons or entries in municipal ledgers. Conse- 10
quently, when such cases were brought on, it was common for those to attend who were in some apprehension concerning themselves, and, when summoned, to contradict what had been said, if they thought fit; if however they feared to bring themselves into bad odour because the facts were fresh in mind, they chose to answer later; and by acting in this way, they very frequently gained their ends.

V. But the present procedure is entirely new and unprecedented. In the assessment the name of Postumus nowhere occurs. In the assessment, do I say? You yourselves were lately empanelled in the case of Aulus Gabinius. Did any witness then mention Postumus? Witness, do I say? Did the prosecutor himself? Did you, in short, in the whole course of that trial once hear the name of Postumus? Postumus is then not a residuary defendant from a 11
trial which has already been decided; no, he is a single Roman knight dragged before a court upon a charge of extortion. And on what account-books is the charge founded? On some which were not read at the trial of Gabinius. What witness supports it? One who never once summoned Postumus on that occasion. As a result of what assessment of damages? Of one in which Postumus's name was never mentioned. Under what law? Under one to which he is not amenable.[b]

Hic iam, iudices, vestri consilii res est, vestrae sapientiae: quid deceat vos, non quantum liceat vobis spectare debetis. Si enim quid liceat quaeritis, potestis tollere e civitate quem voltis: tabella est, quae dat potestatem; occultat eadem libidinem, cuius conscientiam nihil est quod quisquam timeat,
12 si non pertimescat suam. Ubi est igitur sapientia
iudicis? In hoc, ut non solum quid possit, sed etiam quid debeat ponderet, nec quantum sibi permissum meminerit solum, sed etiam quatenus commissum sit. Datur tibi tabella iudicii. Qua lege? "Iulia de pecuniis repetundis." Quo de reo? "De equite Romano." At iste ordo lege ea non tenetur. "Immo illo" inquit "capite, QUO EA PECUNIA PERVENERIT." Nihil audisti in Postumum, cum in Gabinium iudex esses, nihil Gabinio damnato, cum in eum litis aestimares. "At nunc audio." Reus igitur Postumus est ea lege, qua non modo ipse, sed totus etiam ordo solutus ac liber est.

13 VI. Hic ego nunc non vos prius implorabo, equites Romani, quorum ius iudicio hoc temptatur, quam vos, senatores, quorum agitur fides in hunc ordinem: quae quidem cum saepe ante tum in hac ipsa causa

[a] *conscientia* is used here in a double sense: (1) knowledge shared with the voting-tablets, (2) the private knowledge of a man's heart.

[b] *i.e.*, the *Lex Iulia* applied directly only to provincial governors, and so not to the *equites*, but it applied indirectly to any through whose hands had passed money in respect of which a man had been convicted under it. It was not applicable even indirectly to Rabirius, whose name had not been mentioned in Gabinius's *litis aestimatio*.

And here, gentlemen, the matter becomes one for careful thought and for wisdom on your part; it is what it befits you to do, not how much you may do lawfully, that you ought to keep in view. For if you ask what is lawful, you certainly have the power to remove from our society any citizen you wish. It is your voting-tablet that gives you that power; and at the same time it screens capricious misuse of that power, for no one need fear its knowledge of his guilt, should he not dread that of his own heart.[a] Wherein, then,
is the wisdom of the juryman shown? In this, that 12
he weighs not only what he has the power to do, but what he ought to do; and that he recollects not only how much has been placed in his hands, but also what are the limitations of his trust. You have a tablet given to you as juryman. Under what law? The Julian law dealing with extortion. And who is the defendant before the court? A Roman knight. But that order is not amenable to that law. "No," says the prosecutor, "but he is arraigned under the clause 'what became of the money?'" But you heard not a word against Postumus when you were empanelled upon Gabinius, not a word after Gabinius's condemnation, when you were assessing the damages against him. "But I hear much to-day," he rejoins. Postumus, then, is prosecuted under a law from the operation of which not only he himself, but his whole order, stands entirely free.[b]

VI. At this point it is not to you that I will first 13
appeal, knights of Rome, whose prerogatives are assailed in this trial, but rather to you, senators, whose good faith towards this order is at stake—a good faith which has been displayed on many occasions in the past, and never more clearly than in the

nuper est cognita. Nam cum optimo et praestantissimo consule, Cn. Pompeio, de hac ipsa quaestione referente exsisterent non nullae, sed perpaucae tamen acerbae sententiae, quae censerent, ut tribuni, ut praefecti, ut scribae, ut comites omnes magistratuum lege hac tenerentur, vos, vos, inquam, ipsi et senatus frequens restitistis, et, quamquam tum propter multorum delicta etiam ad innocentium periculum tempus illud exarserat, tamen cum odium non restingueretis, huic ordini ignem novum subici
14 non sivistis. Hoc animo igitur senatus. Quid vos, equites Romani, quid tandem estis acturi? Glaucia solebat, homo impurus, sed tamen acutus, populum monere, ut, cum lex aliqua recitaretur, primum versum attenderet: si esset DICTATOR, CONSUL, PRAETOR, MAGISTER EQUITUM, ne laboraret; sciret nihil ad se pertinere: sin esset QUICUMQUE POST HANC LEGEM, videret ne qua nova quaestione adligaretur.
15 Nunc vos, equites Romani, videte. Scitis me ortum e vobis; omnia semper sensisse pro vobis; nihil horum sine magna cura et summa caritate vestri ordinis loquor; alius alios homines et ordines, ego vos semper complexus sum: moneo et praedico, integra re causaque denuntio, omnis homines deosque testor: dum potestis, dum licet, providete ne duriorem vobis condicionem statuatis ordinique vestro

[a] *Trib. pl.* 104.

present case. For when, upon a motion being made with reference to this very inquiry by our excellent and admirable consul, Gnaeus Pompeius, a few, indeed very few, ill-natured suggestions were made that tribunes, prefects, secretaries, and all the staffs of magistrates should be amenable to this law, you—you yourselves, I say—and a full house of the Senate withstood this proposal; and although offences in many quarters had so inflamed contemporary feeling that even innocent persons were endangered, still, though you could not wholly quench the flames of hatred, you did not allow new fires to be lit beneath
this order. This, then, was the spirit in which the 14
Senate acted. And you, knights of Rome, how, pray, are you to act? Glaucia,[a] that shrewd but unscrupulous man, used to warn the people, when some law was being read, carefully to mark the opening phrase. If it began "Dictator, Consul, Praetor, Master of the Horse," they were to feel no concern; for they might know that it was nothing to them; but if it began "Whosoever after the passing of this law," then they were to see to it that they were not made liable to any new form of inquiry.
It is for you now, knights of Rome, to "see to it." 15
You know that, sprung as I am from your order, all my sympathies have ever been for you; not a word that I say now but springs from a deep regard and a close affection for your order. Let others attach themselves to what persons and what orders they will; it is you that I have ever cherished. I admonish you, I forewarn you, I give you full notice, while the case and its issues yet hang in the balance, I call all men and gods to witness; while you have the power and the opportunity, beware lest you enact

quam ferre possitis. Serpet hoc malum, mihi credite, longius quam putatis.

16 VII. Potentissimo et nobilissimo tribuno plebis, M. Druso, novam in equestrem ordinem quaestionem ferenti SI QUIS OB REM IUDICANDAM PECUNIAM CEPISSET, aperte equites Romani restiterunt. Quid, hoc licere volebant? Minime: neque solum hoc genus pecuniae capiendae turpe, sed etiam nefarium esse arbitrabantur; ac tamen ita disputabant, eos teneri legibus eis oportere, qui suo iudicio essent illam condicionem vitae secuti. Te delectat amplissimus civitatis gradus, sella curulis, fasces, imperia, provinciae, sacerdotia, triumphi, denique imago ipsa
17 ad posteritatis memoriam prodita: sit simul etiam sollicitudo aliqua et legum et iudiciorum maior quidam metus. "Nos ista numquam contempsimus" —ita enim disputabant,— "sed hanc vitam quietam atque otiosam secuti sumus, quae quoniam honore caret, careat etiam molestia." "Tam es tu iudex quam ego senator." "Ita est; sed tu istud petisti, ego hoc cogor: qua re aut iudici mihi non esse liceat aut lege senatoria non teneri."

18 Hoc vos, equites Romani, ius a patribus acceptum amittetis? Moneo ne faciatis. Rapientur homines

[a] The *eques* is made a *iudex* against his will, and therefore ought not to be amenable to the same penalties as those who voluntarily pursue public office.

against yourselves and your order a burden heavier than you may be able to bear. Believe me, the insidious blight will spread—spread further than to-day you dream.

VII. When that powerful and illustrious tribune 16
of the plebs, Marcus Drusus, proposed a new form of inquiry against the equestrian order, "Should any one receive money on account of a judicial decision," the knights of Rome openly withstood him. Why? Did they wish to be allowed so to receive money? Far from it; they looked upon acceptance of money in such circumstances as not merely degrading but shameful. But their line of reasoning was as follows[a]: they thought that only those men should be amenable to a law who of their own free choice had followed that line of life. "The highest rung of the ladder of civic life," they reflected, "has its charm for you—the curule chair, the fasces, the supreme command, provinces, priesthoods, triumphs, and a bust to hand down one's recollection to posterity. But all these are 17
conjoined with a measure of disquiet and a more than ordinary apprehension of laws and legal proceedings. It is not that we have despised," so they argue, "the distinctions which you enjoy; but *we* have pursued a life of tranquillity and retirement, which, since it is immune from office, is immune also from worry." "Quite so," argues an opponent, "but you are a juryman just as much as I am a senator." "True; but you sought your eminence, while mine is thrust upon me. Consequently it should be open to me either to decline to act as juryman, or to be exempt from the operation of a law to which senators are amenable."

Will you, knights of Rome, abandon this privilege 18
which you have inherited from your fathers? I warn

in haec iudicia ex omni non modo invidia, sed sermone malevolorum, nisi cavetis. Si iam vobis nuntiaretur in senatu sententias dici ut his legibus teneremini, concurrendum ad curiam putaretis; si lex de ea re ferretur, convolaretis ad rostra. Vos senatus liberos hac lege esse voluit, populus numquam adligavit, soluti huc convenistis: ne constricti discedatis
19 cavete. Nam si Postumo fraudi fuerit, qui nec tribunus nec praefectus nec ex Italia comes nec familiaris Gabinii fuit, quonam se modo defendent posthac, qui vestri ordinis cum magistratibus nostris fuerint his causis implicati?

VIII. "Tu" inquit "Gabinium ut regem reduceret impulisti." Non patitur mea me iam fides de Gabinio gravius agere: quem enim ex tantis inimicitiis receptum in gratiam summo studio defenderim, hunc adflictum violare non debeo: quocum me si ante Cn. Pompeii auctoritas in gratiam non
20 reduxisset, nunc iam ipsius fortuna reduceret. Sed tamen, cum ita dicis, Postumi impulsu Gabinium profectum Alexandriam: si defensioni Gabinii fidem non habes, obliviscerisne etiam accusationis tuae? Gabinius se id fecisse dicebat rei publicae causa, quod classem Archelai timeret, quod mare

[a] Son-in-law of Ptolemy, and ruler of Egypt during P.'s absence.

you not to do so. Men will be wafted into these courts upon every breeze of unpopularity, nay, upon every breath of spiteful rumour, if you do not take steps to prevent it. If word were to be brought to you at this moment that suggestions were being made in the Senate that you should be made amenable to these laws, you would think it your duty to rush as one man to the Senate-house; if a law to that end were proposed, you would fly in a body to the Rostra. The Senate has decreed that you should be exempted from the operation of this law; the people has never bound you to it; free from it you have met together here; see to it that you do not leave this place bound hand and foot. For, should it work the downfall of 19
Postumus, who was neither tribune nor prefect, neither friend of Gabinius nor member of the staff he took overseas with him, how are those hereafter to defend themselves who, being of your order, shall find themselves implicated with the magistrates in such matters?

VIII. "You," says the prosecutor, "instigated Gabinius to restore the king." My own good faith does not allow me at this point to bear hardly upon Gabinius. From bitter enmity I took him back to my friendship; I defended him with all my zeal; and it is not for me to attack him in his distress. If Pompeius's influence had not reconciled me to him then, his own fallen fortunes would do so to-day. Still, 20
when you allege that it was at Postumus's instigation that Gabinius went to Alexandria, while you place no credit in the pleas urged for Gabinius, do you at the same time forget your own plea for the prosecution? Gabinius asserted that he so acted in the interests of the state; he was afraid of Archelaus's [a] fleet; he

refertum fore praedonum putaret: lege etiam id sibi licuisse dicebat. Tu inimicus negas. Ignosco, et eo magis, quod est contra illud iudicatum.

Redeo igitur ad crimen et accusationem tuam.
21 Quid vociferabare? Decem milia talentum Gabinio esse promissa. Huic videlicet aliqui perblandus reperiendus fuit, qui hominem, ut tu vis, avarissimum exoraret, sestertium bis miliens et quadringentiens ne magno opere contemneret. Gabinius illud, quoquo consilio fecit, fecit certe suo; quaecumque mens illa fuit, Gabinii fuit. Sive ille, ut ipse dicebat, gloriam, sive, ut tu vis, pecuniam quaesivit sibi quaesivit. Non Gabinii comes vel sectator, nec ad Gabinii, cuius id negotium non erat, sed ad P. Lentuli, clarissimi viri, auctoritatem a senatu profectam et consilio certo et spe non dubia Roma contenderat.

22 "At dioecetes fuit regius." Et quidem in custodia etiam fuit regia et vis vitae eius adlata paene est; multa praeterea, quae libido regis, quae necessitas coëgit perferre, pertulit: quarum omnium rerum una reprehensio est, quod regnum intrarit, quod potestati regis se commiserit. Verum si quaerimus, stulte: quid enim stultius quam equitem Romanum ex hac urbe, huius, inquam, rei publicae civem, quae est una maxime et fuit semper libera, venire in eum

[a] See Introduction.
[b] See § 28, where the title is explained.

thought that otherwise the sea would swarm with pirates; he said, moreover, that he was legally authorized so to act. You, his opponent, deny that. I pardon your denial, the more readily because the court decided against Gabinius's assertion.

I return then to the charge and to your speech for the prosecution. What was it that you kept reiterating? That ten thousand talents had been promised 21
to Gabinius. My client obviously had to look out for an exceptionally ingratiating person to prevail upon one who is, as you make out, a thorough miser not to turn up his nose at two hundred and forty million sesterces! Whatever may have been the intention behind Gabinius's act, the intention assuredly was his own; whatever was the idea, it was Gabinius's idea. Whether glory was his object, as he asserted, or money, as you asserted, it was for himself. It was not as Gabinius's attendant or hanger-on, nor under the authority of Gabinius, who had no hand in the business, but under that of the distinguished Publius Lentulus,[a] who had received it from the Senate, that my client had left Rome with a definite purpose and with well-grounded hopes.

But it is alleged that he was Treasurer[b] to the king. 22
Yes, indeed, and the king's prisoner too; and all but had his life taken away from him. He had to put up with much else, too, which the king's caprice and force of circumstances compelled him to put up with; and for all this he can be censured only for the single fact—that he entered the kingdom and put himself into the power of the king. If the truth must be told, it was a foolish act. What more foolish than that a Roman knight, citizen of a state which is and always has been free above all others, should go from this city

locum, ubi parendum alteri et serviendum sit? IX.
23 Sed in hoc labenti Postumo non ignoscam, homini mediocriter docto, in quo videam sapientissimos homines esse lapsos? Virum unum totius Graeciae facile doctissimum, Platonem, iniquitate Dionysii, Siciliae tyranni, cui se ille commiserat, in maximis periculis insidiisque esse versatum accepimus; Callisthenem, doctum hominem, comitem Magni Alexandri, ab Alexandro necatum; Demetrium et ex re publica Athenis, quam optime gesserat, et ex doctrina nobilem et clarum, qui Phalereus vocitatus est, in eodem isto Aegyptio regno aspide ad corpus admota
24 vita esse privatum. Plane confiteor fieri nihil posse dementius quam scientem in eum locum venire, ubi libertatem sis perditurus: sed huius ipsius facti stultitiam alia iam superior stultitia defendit: quae facit, ut hoc stultissimum facinus, quod in regnum venerit, quod regi se commiserit, sapienter factum esse videatur: si quidem non tam semper stulti quam sero sapientis est, cum stultitia sua impeditus
25 sit, quoquo modo possit se expedire. Quam ob rem illud maneat et fixum sit, quod neque moveri neque mutari potest: in quo aequi sperasse Postumum dicunt, peccasse iniqui, ipse etiam insanisse se confitetur, quod suam, quod amicorum pecuniam regi crediderit cum tanto fortunarum suarum periculo: hoc quidem semel suscepto atque contracto per-

[a] An Athenian who in 317 was entrusted by Cassander, King of Macedon, with the government of Athens. On the defeat of Cassander by Demetrius Poliorcetes, King of Asia, he fled to Egypt.

to a place where he is forced to become the obedient slave of another? IX. But am I to make to a man 23
of moderate attainments like Postumus no allowances for an error into which I see that the very wisest have fallen? We are told that Plato, who was easily the wisest man in all Greece, was by the wickedness of Dionysius, tyrant of Syracuse, to whom he had entrusted himself, exposed to the gravest danger and treachery; that the wise Callisthenes, companion of Alexander the Great, was by Alexander slain; that Demetrius,[a] citizen of a free state which he had administered excellently, eminent and famous for his learning—Demetrius of Phalerum I mean—was in this same kingdom of Egypt deprived of his life by having an asp applied to his body. I frankly admit 24
that no act can be more insane than deliberately to come into a place where you are likely to lose your liberty. But the defence for the folly of this act may be found in another folly previously committed, which presents his crowning act of folly—the act, I mean, of going into the kingdom and trusting himself to the king—in the light of a wise act; if indeed it is the act not so much of one who is invariably a fool as of one who is wise too late—that, when entangled by his own folly, he should extricate himself in whatever way he can. Let it be taken, then, 25
that this act of Postumus—the act of an optimist, say the well-disposed; of a blunderer, say the prejudiced; of a madman, Postumus himself admits—the act, I mean, of lending his own money and that of his friends to the king, to the grave peril of his own fortunes—is irrefragably and immutably fixed and established; still, once having embarked upon and committed himself to this course, all the

petienda illa fuerunt, ut se aliquando ac suos vindicaret. Itaque obicias licet quam voles saepe, palliatum fuisse, aliqua habuisse non Romani hominis insignia: quotiens eorum quippiam dices, totiens unum dices illud, temere hunc pecuniam regi credidisse, suas fortunas atque famam libidini regiae
26 commisisse. Fecerat temere: fateor: mutari factum iam nullo modo poterat; erat aut pallium sumendum Alexandriae, ut ei Romae togato esse liceret, aut omnes fortunae abiciendae, si togam retinuisset.

X. Deliciarum causa et voluptatis non modo cives Romanos, sed et nobilis adulescentis, sed quosdam etiam senatores, summo loco natos, non in hortis aut suburbanis suis, sed Neapoli, in celeberrimo oppido, in
27 tunica pulla saepe vidi, ibidem multi[1] viderunt Chlamydatum illum L. Sullam imperatorem,[1] L. vero Scipionis, qui bellum in Asia gessit Antiochumque devicit, non solum cum chlamyde, sed etiam cum crepidis in Capitolio statuam videtis; quorum impunitas fuit non modo a iudicio, sed etiam a sermone. Facilius certe P. Rutilium Rufum necessitatis excusatio defendet: qui cum a Mithradate Mytilenis oppressus esset, crudelitatem regis in togatos vestitus mutatione vitavit. Ergo ille P. Rutilius, qui documentum fuit hominibus nostris virtutis, antiquitatis, prudentiae, consularis homo, soccos habuit et pallium;

[1] oppido . . . imperatorem. The text is corrupt: *Clark's conjectural restoration is translated.*

rest had to be faced in order that one day he might rescue himself and his friends. Reproach him therefore as much as you will, with his constant wearing of the Greek cloak,[a] and with his use of some other ornaments not commonly worn by a Roman; on every occasion of your making any such allegation, you do but repeat the self-same statement—that he rashly lent money to the king, and that he trusted his fortunes and his reputation to the royal caprice. He 26
had acted rashly, I admit; but what was done could not be undone; and either he had to don the cloak at Alexandria, in order to wear the toga at Rome, or he had to retain the toga and fling away all his fortunes.

X. I have often seen not only Roman citizens but high-born youths, and even some senators of eminent family, wearing dark tunics not in their country seats or their suburban villas, but in the populous town of Naples, as a form of foppish self-gratification. In the same place many saw the great general L. 27
Sulla wearing a cloak; and you can all see on the Capitol the statue of Lucius Scipio, who conducted the war in Asia and defeated Antiochus, wearing not only a cloak but also Greek slippers. And these men were unassailed even by popular talk, let alone by judicial proceedings. Still more easily beyond question will the plea of necessity afford a defence to Publius Rutilius Rufus[b]; he, having fallen into the hands of Mithradates at Mytilene, escaped the cruelty which the king showed to all wearers of the toga by changing his apparel. That Rutilius, then, who was to our fellow-countrymen a pattern of virtue, of old-time honour, and of wisdom, and who was moreover an ex-consul, donned slippers and a cloak and none at that time imputed

[a] Roman sentiment viewed renunciation of Roman dress almost as renunciation of Roman nationality.

[b] Consul, 105, Stoic and military reformer, convicted unjustly on a charge of extortion (92). Settled in the east, where Cicero visited him in 78.

nec vero id homini quisquam, sed tempori adsignandum putavit: Postumo crimen vestitus adferet is, in quo uno spes fuit, posse sese aliquando ad fortunas suas pervenire?

28 Nam ut ventum est Alexandriam, iudices, haec una ratio a rege proposita Postumo est servandae pecuniae, si curationem et quasi dispensationem regiam suscepisset; id autem facere non poterat nisi dioecetes—hoc enim nomine utitur qui ea regit—esset constitutus. Odiosum negotium Postumo videbatur, sed erat nulla omnino recusatio: molestum etiam nomen ipsum, sed res habebat nomen hoc apud illos, non hic imposuerat: oderat vestitum etiam illum, sed sine eo nec nomen illud poterat nec munus tueri. Ergo

aderat vis,

ut ait poëta ille noster,

quae summas frangit infirmatque opes.

29 "Moreretur" inquies; nam id sequitur. Fecisset certe, si sine maximo dedecore tam impeditis suis rebus potuisset emori.

XI. Nolite igitur fortunam convertere in culpam, neque regis iniuriam huius crimen putare nec consilium ex necessitate nec voluntatem ex vi interpretari, nisi forte eos etiam, qui in hostis aut in praedones inciderint, si aliter quippiam coacti faciant ac liberi, vituperandos putes. Nemo nostrum

[a] What poet is unknown.

the blame to the man, but all to the necessity in which he found himself; and shall Postumus be arraigned for wearing a garment in which lay his sole hope of one day recovering his fortunes?

For as soon as Postumus arrived at Alexandria, gentlemen, the king proposed to him, as the sole condition under which he might retain possession of his wealth, that he should undertake the management and as it were the stewardship of the royal revenues. This he could only do by taking up the appointment of Treasurer—for this was the title used by the ruler there. The business was distasteful to Postumus, but it was absolutely out of the question for him to decline; the title too disgusted him, but it was the title attached in that country to the function, and not an invention of his own; he detested the dress as well, but without it he could retain neither the title nor the office. So, to quote our poet[a]— 28

he bowed to Force,
Which ever breaks and bends the mightiest power.

No, he might have died, you will say; for that is the natural alternative. And so assuredly he would have done, if, in the embarrassed condition of his affairs, he could have done so without the deepest disgrace. 29

XI. Do not, then, hold him responsible for his hard lot; do not account the outrage done to him by the king as his crime; do not judge of his intentions by his compulsion nor of his inclination by the force to which he bowed; unless possibly you think that men who have fallen among enemies or thieves deserve severe reproof, should they act under compulsion otherwise than they would had they been free. There is not one of us but knows, even without actual

ignorat, etiam si experti non sumus, consuetudinem regiam: regum autem sunt haec imperia: "animum adverte ac dicto pare," et, "praeter rogitatum, si quid," et illae minae:

> si te secundo lumine hic offendero,
> moriere:

quae non ut delectemur solum legere et spectare debemus, sed ut cavere etiam et fugere discamus.

30 At ex hoc ipso crimen exoritur. Ait enim, cum Gabinio pecuniam Postumus cogeret, decumas imperatarum pecuniarum sibi coegisse. Non intellego hoc quale sit: utrum accessionem decumae, ut nostri facere coactores solent in centesima, an decessionem de summa fecerit: si accessionem, undecim milia talentum ad Gabinium pervenerunt. At non modo abs te decem milia obiecta sunt, sed etiam ab his
31 aestimata. Addo illud etiam: qui tandem convenit aut in tam gravi onere tributorum ad tantam pecuniam cogendam mille talentum accessionem esse factam aut in tanta mercede hominis, ut vis, avarissimi, mille talentum decessionem esse concessam? Neque enim fuit Gabinii remittere tantum de suo nec regis imponere tantum pati suis. At erunt testes legati Alexandrini. Ei nihil in Gabinium dixerunt; immo

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[a] From Ennius's translation of Euripides, *Medea*, 352 εἴ σ' ἡ 'πιοῦσα λαμπὰς ὄψεται θεοῦ.

[b] *i.e.*, the collectors employed by the *publicani*, who "paid themselves for the trouble of collecting by a one-per-cent in addition to the sum collected." (Long.)

experience, the ways and manners of kings. And kings give their orders thus: "Take notice and obey my word!" and "if you do aught save my behest!"—and they threaten—

> If when the morrow dawns I find thee here,
> Thou diest![a]

—phrases which we ought to read and consider not with a view to idle amusement, but that we may learn to beware and keep beyond their pale.

But from this very employment a further charge 30
proceeds. The prosecutor alleges that while Postumus was raising money for Gabinius he raised for himself ten per cent of the money requisitioned. I cannot understand the meaning of this charge; whether he made an *addition* of a tenth, as our collectors do with their one-per-cent,[b] or *deducted* that amount from the total; if an addition, then eleven thousand talents came to Gabinius. But *ten* thousand was not only stated in your charge, but assessed by these gentlemen. There is this further 31
point: how can we suppose that, when the burden of the tribute was already so heavy, an addition of a thousand talents could have been made to the large sum to be collected; or, on the other hand, that, when payment on so large a scale was being made to a man whom you would have us believe to be a monster of avarice, he would have consented to an abatement of a thousand talents? It was not Gabinius's way to waive his rights so far, nor was it the king's to acquiesce in such heavy impositions on his subjects. "Yes," they will say, "but there will be witnesses, the delegates from Alexandria." Well, but they have said nothing against Gabinius; they

ei Gabinium laudaverunt. Ubi ergo ille mos, ubi consuetudo iudiciorum? Ubi exempla? Solet is dicere in eum, qui pecuniam redegit, qui in illum, cuius nomine ea pecunia redigeretur, non dixerit?
32 Age, si is, qui non dixit, solet, etiamne is solet, qui laudavit? Isdem testibus et quidem non productis, sed dictis testium recitatis, quasi praeiudicata res ad has causas deferri solet.

XII. Et ait etiam meus familiaris et necessarius eandem causam Alexandrinis fuisse cur laudarent Gabinium, quae mihi fuerit cur eum defenderem. Mihi, C. Memmi, causa defendendi Gabinii fuit reconciliatio gratiae; neque me vero paenitet mor-
33 talis inimicitias, sempiternas amicitias habere; nam si me invitum putas, ne Cn. Pompei animum offenderem, defendisse causam, et illum et me vehementer ignoras. Neque enim Pompeius me sua causa quicquam facere voluisset invitum, neque ego, cui omnium civium libertas carissima fuisset, meam proiecissem. Nec, quam diu inimicissimus Gabinio fui, non amicissimus mihi Pompeius fuit; nec postea quam illius auctoritati eam dedi veniam quam debui, quicquam simulate egi, ne cum mea perfidia illi etiam ipsi facerem, cui beneficium dedissem, iniuriam: nam non redeundo in gratiam cum inimico non

[a] C. Memmius. [b] *i.e.*, Pompey's influence.

have, on the contrary, praised Gabinius. What, pray, has become of the traditions, usages, and precedents of the courts? Is it usual for a witness to make depositions against a collector of money, when he has made no deposition whatever against the man in whose name the collection was made? Nay more, 32
if evidence is commonly given against the agent by one who has said nothing against the principal, is it also given by one who has spoken favourably of him? The case is customarily treated as if already decided and is brought to questions such as this supported by the same witnesses, who are not produced but whose statements are merely read.

XII. My intimate friend here[a] says that the people of Alexandria had the same reason[b] for speaking approvingly of Gabinius as I had for defending him. My motive, Gaius Memmius, for defending Gabinius was that I had become reconciled to him; nor indeed have I any reason to regret that my enmities are transient while my friendships are eternal. If 33
you think that I defended him reluctantly, to avoid giving offence to Pompeius, then you know very little either of Pompeius's character or of mine. Indeed, Pompeius would never have wished me to do anything I did not want to do in order to please him, nor would I, to whom the freedom of my fellow-citizens has ever been most precious, ever have sacrificed my own. While I was Gabinius's bitterest foe, Pompeius was not the less my dearest friend; nor, after paying to that great name the concession to which it was entitled from me, did I do aught that was insincere, lest I should, while staining myself with treachery, do wrong to the very man on whom I had bestowed kindness. By not being reconciled to my foe I did no harm to

violabam Pompeium: si per eum reductus insidiose redissem, me scilicet maxime, sed proxime illum
34 quoque fefellissem. At de me omittamus: ad Alexandrinos istos revertamur. Quod habent os, quam audaciam! Modo vobis inspectantibus in iudicio Gabinii tertio quoque verbo excitabantur: negabant pecuniam Gabinio datam; recitabatur identidem Pompei testimonium, regem ad se scripsisse nullam pecuniam Gabinio nisi in rem militarem datam. "Non est" inquit "tum Alexandrinis testibus creditum." Quid postea? "Creditur nunc." Quam ob rem? "Quia nunc aiunt, quod
35 tunc negabant." Quid ergo? Ista condicio est testium, ut quibus creditum non sit negantibus, isdem credatur aientibus? At si verum tunc cum verissima fronte dixerunt, nunc mentiuntur; si tunc mentiti sunt, doceant nos verum quo voltu soleant dicere. Audiebamus Alexandriam: nunc cognoscimus: omnes illim praestigiae, illim, inquam, omnes fallaciae, omnia denique ab eis mimorum argumenta nata sunt. Nec mihi longius quicquam est, iudices, quam videre hominum voltus.

36 XIII. Dixerunt hic modo nobiscum ad haec subsellia, quibus superciliis renuentes huic decem milium crimini! Iam nostis insulsitatem Graecorum: umeris gestum agebant tum temporis, credo, causa:

[a] *i.e.*, in affected ignorance of any bribes given to Gabinius.

Pompeius; if, when he had brought about a reconciliation, I had accepted it fraudulently, I should have been false, most of all indeed to myself, but next of all to him also.

But I say no more about myself, but return to 34
your Alexandrians. What brazen effrontery is theirs! The other day at Gabinius's trial, with you looking on, they were brought up at every third word; they denied that money had been given to Gabinius; the evidence of Pompeius was repeatedly read, that the king had written to him that no money had been given to Gabinius save for military purposes. "No belief," says my friend, "was placed in them then." What next? "Now they are believed." Why? "Because now they assert what then they denied."
That is *your* way of dealing with witnesses—the same 35
men are not believed when they deny, but believed when they assert! But if they told the truth then, when truth was written broad upon their brows, at any rate they are telling lies now. If they told lies then, let them tell us how they are wont to look when they tell the truth. We had heard of old of Alexandria; now we know it. It is the home of every sharp practice, every deceit; it is from its inhabitants that writers of farces draw all their plots. And indeed there is nothing of which I am more desirous than to see the faces of these men.

XIII. They gave their evidence a short while ago 36
along with us before this tribunal, and with what sublime scorn did they repudiate this charge of the ten thousand talents! You know by now the futility with which Greeks behave; it was opportunism, I suppose, that made them shrug their shoulders [a]; now, presumably, the need for oppor-

nunc scilicet tempus nullum est. At ubi semel quis peieraverit, ei credi postea, etiam si per pluris deos iuret, non oportet, praesertim, iudices, cum in his iudiciis ne locus quidem novo testi soleat esse ob eamque causam idem iudices retineantur, qui fuerint de reo, ut his nota sint omnia neque quid fingi novi possit.

37 Qui causam dicunt,[1] QUO EA PECUNIA PERVENERIT, non suis propriis iudiciis rei facti condemnari solent. Itaque si aut praedes dedisset Gabinius aut tantum ex eius bonis, quanta summa litium fuisset, populus recepisset, quamvis magna ad Postumum ab eo pecunia pervenisset, non redigeretur, ut intellegi facile possit, quod ex ea pecunia, qua reorum quis damnatus sit, pervenisse ad aliquem in illo primo iudicio planum factum sit, id hoc genere iudicii redigi solere. Nunc vero quid agitur? Ubi terrarum sumus? Quid tam perversum praeposterumve dici
38 aut excogitari potest? Accusatur is, qui non abstulit a rege, sicut Gabinius iudicatus est, sed qui maximam regi pecuniam credidit. Ergo is Gabinio dedit, qui huic non reddidit. Iam cedo, cum is, qui pecuniam Postumo debuit, non huic, sed Gabinio dederit, con-

[1] qui causam dicunt *suppl. by Halm.*

tunism has passed. But when a man has once perjured himself, he cannot in future be believed, though he swear by twice as many gods; the more so, gentlemen, because in trials of this kind a new witness is commonly not even admissible, and the same jury as dealt with the defendant's case is retained, that the whole case may be familiar to them and no new inventions can be introduced.

Those arraigned upon the question of "what 37
has become of the money?" are usually condemned, not as a result of proceedings which have primary reference to them, but of those held upon the original defendant. Consequently had Gabinius offered securities, or had the people recovered from his property the full amount of the damages, then, however large the sum that had come to Postumus from him, none of it would have been demanded back again; so that it may be easily understood that the only money the repayment of which is demanded in a case of this kind is such portion of the sum received by a condemned person as has been proved in the original investigation to have passed into someone's hands. But what is the present issue? Where in the world are we? What statement or what notion could be so wrong-headed or so perverted as theirs? The 38
accusation is brought against a man who has received no money from the king, as Gabinius has been pronounced to have done, but who has actually lent large sums to the king. Well then, the king gave it to Gabinius, as he did not repay it to my client. Now tell me, since Postumus's debtor has paid money not to him but to Gabinius, is it he or Postumus that should stand his trial under the clause "what

demnato Gabinio utrum illi quo ea pecunia pervenerit an huic dicenda causa est[1] ?

XIV. "At habet et celat." Sunt enim qui ita loquantur. Quod genus tandem est illud ostentationis et gloriae ? Si nihil habuisset umquam, tamen, si quaesisset, cur dissimularet causa non esset ; qui vero duo lauta et copiosa patrimonia accepisset remque praeterea bonis et honestis rationibus auxisset, quid esset tandem causae cur existimari
39 vellet nihil habere ? An cum credebat inductus usuris, id agebat, ut haberet quam plurimum : postea quam exegit quod crediderat, ut existimaretur egere ? Novum genus hoc gloriae concupiscit. "Dominatus est enim" inquit "Alexandriae." Immo vero in superbissimo dominatu fuit : pertulit ipse custodiam ; vidit in vinculis familiaris suos ; mors ob oculos saepe versata est ; nudus atque egens ad extremum fugit
40 e regno. "At permutata aliquando pecunia est ; subductae naves Postumi Puteolis sunt ; auditae visaeque merces fallaces quidem et fucosae, chartis et linteis et vitro delatis : quibus cum multae naves refertae fuissent, una non patuit parva.[2]" Cataplus ille Puteolanus, sermo illius temporis vectorumque cursus atque ostentatio, tum subinvisum apud malevolos

[1] illi . . . est] *so Clark amends* MSS. *following Reid and Madvig.*
[2] u. n. p. p. *I read for* u. non potuerit parva of MSS.

has become of the money ?" now that Gabinius has been convicted ?

XIV. "Oh but Postumus has the money and is concealing it"; for there are some who talk in this strain. A strange form for self-advertisement and boastfulness to take ! Though he had originally not a penny, still, if he had made money, what reason could he have had for concealment ? But seeing that he had inherited two spacious and opulent estates, and had moreover increased his substance by legitimate and honourable methods, what possible motive could he have had for wishing it to be supposed that he had
nothing ? Are we to suppose that, when he lent the 39
money in the hope of getting interest upon it, his idea was to amass as much wealth as possible, but that after he had recovered the amount of his loan, he wanted it to be supposed that he was a poor man ? A novel form for self-advertisement to take ! "He behaved like a despot at Alexandria," says the prosecutor. On the contrary he was victimized by the most arbitrary of despotisms. He himself had to endure imprisonment, he saw his friends thrown into chains, death was ever before his eyes, and finally,
naked and needy, he fled the kingdom. "Yes," they 40
say, "but in the end he realized profits in commerce ; ships belonging to him put in at Puteoli ; merchandise of his was reported and seen there. It is true that the goods invoiced were only cheap showy articles of paper, linen, and glass ; many ships were packed with these, but there was one small ship the cargo of which was not revealed." That voyage to Puteoli and the rumours connected with it and the course taken by the crew and their big talk, together with the dislike shown to Postumus's name by spiteful

Postumi nomen, propter opinionem pecuniae nescio quam aestatem unam, non pluris, auris refersit istis sermonibus.

41 XV. Verum autem, iudices, si scire voltis, nisi C. Caesaris summa in omnis, incredibilis in hunc eadem liberalitas exstitisset, nos hunc Postumum iam pridem in foro non haberemus: ille onera multorum huius amicorum excepit unus, quaeque multi homines necessarii secundis Postumi rebus discripta sustinuerunt, nunc eius adflictis fortunis universa sustinet. Umbram equitis Romani et imaginem videtis, iudices, unius amici conservatam auxilio et fide. Nihil huic eripi potest praeter hoc simulacrum pristinae dignitatis, quod C. Caesar solus tuetur et sustinet; quae quidem in miserrimis rebus huic tamen tribuenda maxima est; nisi vero hoc mediocri virtute effici potest, ut tantus ille vir tanti ducat hunc, adflictum praesertim et absentem, et in tanta fortuna sua, ut alienam respicere magnum sit et tanta occupatione maximarum rerum, quas gerit atque gessit, ut vel oblivisci aliorum non sit mirum vel, si meminerit, oblitum esse facile possit

42 probare. Multas equidem C. Caesaris virtutes magnas incredibilisque cognovi, sed sunt ceterae maioribus quasi theatris propositae et paene populares: castris

people on account of vague impressions about his money, did for one summer—not more—fill the public ear with such topics.

XV. But, gentlemen, if you would know the truth, 41
had not the generosity of Gaius Caesar, greatly displayed to all, been superlatively displayed towards my client, we should long since have lost Postumus from our public life. He it was who took upon his unaided shoulders the burdens of my client's many friends; and those responsibilities which were co-operatively borne by many intimates while fortune smiled upon Postumus are, now that she has turned her face from him, borne in their entirety by Caesar. What you see before you, gentlemen, is a mere shadow—a mere wraith—of a Roman knight, preserved by the loyal assistance of a single friend. Nothing can be taken from him save the phantom of his former dignity, and that Gaius Caesar alone supports and maintains; yet to that dignity even in his sad plight he is still entitled in amplest measure; unless indeed it be something that any ordinary merits can achieve—that one so great should set so great store by my client, broken down and absent as he is; when in his own exalted fortune it is a great thing for him to regard another's; and when he is so incessantly absorbed in the proud achievements which he has performed and is still performing, that it would not be surprising that he should forget other men, or, if he should remember them, might readily give good reason for his forgetfulness. Many
are the great and amazing virtues which I have 42
found in Gaius Caesar, but the generality of them are designed for display upon an ample theatre and almost before the public gaze: to select a site for a

locum capere, exercitum instruere, expugnare urbis, aciem hostium profligare, hanc vim frigorum hiemumque, quam nos vix huius urbis tectis sustinemus, excipere, eis ipsis diebus hostem persequi, cum etiam ferae latibulis se tegant atque omnia bella iure gentium conquiescant: sunt ea quidem magna—quis negat?—sed magnis excitantur praemiis ac memoria hominum sempiterna; quo minus admirandum est eum facere illa, qui immortalitatem concupiverit.

43 XVI. Haec mira laus est, quae non poëtarum carminibus, non annalium monumentis celebratur, sed prudentium iudicio expenditur: equitem Romanum, veterem amicum suum, studiosum, amantem, observantem sui, non libidine, non turpibus impensis cupiditatum atque iacturis, sed experientia patrimonii amplificandi labentem excepit, corruere non sivit, fulsit et sustinuit re, fortuna, fide, hodieque sustinet, nec amicum pendentem corruere patitur, nec illius animi aciem praestringit splendor sui nominis nec mentis quasi luminibus officit altitudo
44 fortunae et gloriae. Sint sane illa magna, quae re vera magna sunt: de iudicio animi mei, ut volet, quisque sentiat; ego enim hanc in tantis opibus, tanta fortuna liberalitatem in suos, memoriam amicitiae reliquis virtutibus omnibus antepono.

[a] The trial was held in January.

camp, to set an army in array, to storm cities, to rout hostile forces, to endure extremities of cold and stress of weather such as we can scarce support within the shelter of our city houses, to be pursuing the enemy at this very season [a] when even the beasts of the field crouch in the covert of their lairs and when all wars are suspended by the general consent of nations;—these indeed are great achievements, who denies it? But they are prompted by great rewards, and are marked down for the eternal recollection of mankind; so that it is less a matter for wonder that he should so act who has set his heart on immortality.

XVI. But here is a wondrous theme for panegyric, 43
not lauded in the poet's verse or the historian's record, but weighed in the scales of true discernment: he found a Roman knight, his friend of old, and his affectionate and devoted admirer, slipping downward not through licentiousness, not through discreditable waste and extravagance for the gratification of his passions, but through an endeavour to increase his patrimony; he held out to him a helping hand; he suffered him not to fall; he propped and sustained him by his purse, his fortune, and his protection; and to this day he continues so to sustain him; he does not allow his tottering friend to fall; the splendour of his name does not dazzle the penetrating vision of that great soul, nor the soaring height of his position and his renown obscure the prospect from the windows of his mind. Grant that 44
his substantive achievements are great, as great indeed they are; let each man agree with my estimate or not, as he will; I, amid all his power and all his success, place his generosity towards his friends and his recollection of an old friendship above all his

Quam quidem vos, iudices, eius in novo genere bonitatem inusitatam claris ac praepotentibus viris non modo non aspernari ac refutare, sed complecti etiam et augere debetis, et eo magis, quod videtis hos quasi sumptos dies ad labefactandam illius dignitatem, ex qua illi nihil detrahi potest quod non aut fortiter ferat aut facile restituat: amicissimum hominem si honestate spoliatum audierit, nec sine magno dolore feret nec id amiserit, quod posse speret recuperari.

45 XVII. Satis multa hominibus non iniquis haec esse debent: nimis etiam multa vobis, quos aequissimos esse confidimus; sed ut omnium vel suspitioni vel malevolentiae vel crudelitati satis fiat: "occultat pecuniam Postumus, latent regiae divitiae." Ecquis est ex tanto populo qui bona C. Rabirii Postumi nummo sestertio sibi addici velit? Sed miserum me! Quanto hoc dixi cum dolore! Hem, Postume, tune es C. Curtii filius, C. Rabirii iudicio et voluntate filius, natura sororis? Tune ille in omnis tuos liberalis? Cuius multos bonitas locupletavit? Qui nihil profudisti? Nihil ullam in libidinem contulisti? Tua, Postume, nummo sestertio a me addicuntur?
46 O meum miserum acerbumque praeconium! At hoc

[a] It is suggested that this trial was carefully timed to damage Caesar's reputation.

[b] Rabirius's mother Curtia was sister to C. Rabirius, who adopted his nephew.

other qualities. This charity of his, so novel in its character, so rarely displayed by men of renown and pre-eminent power, you, gentlemen, ought not merely not to despise and not to discourage, but to cherish and to foster—the more so because these days seem to have been, as it were, laid hold of[a] for the purpose of undermining his position—that position from which nothing can be taken which he will not bear bravely and redeem with ease; but if he learns that a most dear friend is robbed of his honour, then while it will be with deep indignation that he bears the loss, he will have lost something that is beyond all hope of recovery.

XVII. The considerations I have adduced should 45
be sufficient for minds devoid of prejudice—more than sufficient for minds as utterly free from prejudice as we confidently trust yours to be. But in order that there may be none whose suspicions or malignity or cruelty are not fully satisfied, let us assume that, as the prosecution asserts, "Postumus is hiding the money, there are royal riches lurking somewhere." Is there any member of all this great populace who would care to have the estate of Gaius Rabirius Postumus made over to him for a single sesterce? But alas! with what a pang do I speak these words! Ah, Postumus, are you the son of Gaius Curtius,[b] by choice and inclination the son of Gaius Rabirius, by nature the son of his sister? Are you the man who is so generous to all his relatives, whose goodness of heart has enriched so many, who has never squandered a single coin or expended anything upon personal gratification? Is your property knocked down by me, Postumus, for a single sesterce? It breaks my heart, it cuts me to the quick, to be your auctioneer!

etiam optat miser ut condemnetur a vobis; ita bona veneant, ut solidum suum cuique solvatur. Nihil iam aliud nisi fidem curat; nec vos huic, si iam oblivisci vestrae mansuetudinis volueritis, quicquam praeterea potestis eripere. Quod, iudices, ne faciatis oro obtestorque vos, atque eo magis, si adventicia pecunia petitur ab eo, cui sua non redditur; nam in eum, cui misericordia opitulari debebat, invidia quaesita est.

47 Sed iam, quoniam, ut spero, fidem, quam tibi dedi, praestiti, Postume, reddam etiam lacrimas quas debeo: quas quidem ego tuas in meo casu plurimas vidi: versatur ante oculos luctuosa nox meis omnibus, cum tu totum te cum tuis copiis ad me detulisti. Tu comitibus, tu praesidio, tu etiam tanto pondere auri, quantum tempus illud postulabat, discessum illum sustentasti; tu numquam meis me absente liberis, numquam coniugi meae defuisti. Possum excitare multos in patriam[1] reductos testis liberalitatis tuae: quod saepe audivi patri tuo Curtio magno adiumento
48 in iudicio capitis fuisse. Sed iam omnia timeo; bonitatis ipsius invidiam reformido: nam indicat tot hominum fletus quam sis carus tuis et me dolor debilitat intercluditque vocem. Vos obsecro, iudices, ut huic optimo viro, quo nemo melior umquam fuit,

[1] in patriam *supplied by Clark.*

And yet in his misery he even prays for condemnation 46
at your hands; he would have his property sold, granted that thereby every man may have his principal paid in full. He cares no more for aught save honour; and indeed, should you choose to forget your humanity, you can take nothing from him beyond his property. That humanity, gentlemen, I beg and implore you not to forget—the more earnestly because a claim is made upon him for money with which he has nothing to do, when he cannot get repayment of his own; compassion should hold out to him her helping hand, but hatred is being enlisted to work his downfall.

But now, since I have, as I trust, discharged the 47
obligation of honour, I will now discharge the debt of tears—those tears which I saw you shed so plenteously in my own dark hours. There rises up before my eyes the vision of that night so fraught with sorrow to all I love, when you laid yourself and all your resources unreservedly at my feet, you comforted my departure with your companions, your protection, and such weight of gold as the juncture demanded; during the time of my absence you never failed my children or my wife. I might call up many restored exiles to bear witness to your generosity, conduct which I have often heard stood your father Curtius in good stead when he was on
trial for his life. But now everything is a source of 48
dread; I shudder at the unpopularity which your very goodness of heart may provoke; already the tears of so many here prove how dear you are to your own; and as for me, my grief breaks me down and chokes the voice upon my lips. I conjure you, gentlemen, refuse to rob this excellent man, than

nomen equitis Romani et usuram huius lucis et vestrum conspectum ne eripiatis. Hic vos aliud nihil orat nisi ut rectis oculis hanc urbem sibi intueri atque in hoc foro vestigium facere liceat, quod ipsum fortuna eripuerat, nisi unius amici opes subvenissent.

whom no worthier has ever lived, of the name of a knight of Rome, of the enjoyment of the sunlight, and of the privilege of beholding you. He begs nothing else of you save leave to look with open countenance upon this city, and to tread this forum —for even this licence had been snatched from him by fate, had not the power of a single friend come to his assistance.

THE SPEECH ON BEHALF OF MARCUS MARCELLUS

INTRODUCTION

Historical Circumstances of the "Caesarian" Speeches.—Between the delivery of the *Pro Milone* (52) and that of the *Pro Marcello* (46) Cicero abstained from public utterance. The interval was occupied by his two years' turn of duty as proconsul in Cilicia (51–50), the events of the civil war, and the early years of Caesar's dictatorship. Three speeches delivered during this last period fall naturally into a single group, and were known to ancient editors as Caesarianae. These are the three speeches that follow in this volume, *Pro Marcello* (46), *Pro Ligario* (46), and *Pro Rege Deiotaro* (45).

As the extended command in Gaul given to Caesar by the *Lex Licinia Pompeia* of 55 drew to its close, opposition to Caesar in Rome hardened and grew more definitely republican as monarchy loomed larger. A straw which showed how the wind lay was the act of one of the consuls for 51, M. Claudius Marcellus, in scourging, as if he were a mere provincial, a magistrate of Como, a colony founded by Caesar. There followed in 50 the interchange of proposals and counter-proposals between Caesar and the Senate, the declaration by the latter of Caesar as a public enemy, the crossing of the Rubicon, the flight to Epirus of Pompey and the majority of senators, and Caesar's triumphant entry into Rome.

Through all this Cicero, who had returned from Cilicia to realize that civil war was inevitable, was torn now to this side, now to the other, pulled one way by his admiration of Caesar (not to mention Caesar's admiration of himself) and by the recollection of kindnesses received from him, pulled the other way by affection for Pompey and the conviction that he stood for the right side—republicanism, right or wrong—in spite of his contempt for his vacillation and in spite of misgivings that Pompey stood for Caesarism no less than Caesar. In the end, " as an ox follows the herd,"[a] he followed Pompey and the *boni* to Epirus—and to Pharsalia.[b]

He returned after the battle to Brundisium, and spent there a year of tortured inactivity, ended by Caesar's offer of amnesty and the attempt to resume the life of philosophical retirement—*otium cum dignitate*. The attempt was vain, as nearly every politician who has made it knows that such attempts will always be vain.

M. Claudius Marcellus.—Marcellus was consul with Servius Sulpicius Rufus in the critical year 51. He was, says Heitland, " a notable specimen of a convinced republican aristocrat, in character superior to many; but slow and generally ineffective."[c] In April 51 he moved a resolution in the Senate condemning Caesar's grant of the franchise to the colony of Comum (Como), which was vetoed by adherents of Caesar among the tribunes. There followed the incident of the scourging mentioned above, which Cicero

[a] *Ad Att.* vii. 7. 7.

[b] C.'s state of mind at this time is admirably analysed by Tyrrell, *Cicero in his Letters*, Introd. i.

[c] *Roman Republic*, iii. § 1186.

described in a letter as a "blackguardly act."[a] In the autumn he proposed that, the war in Transalpine Gaul being virtually concluded by the defeat of Vercingetorix, Caesar should be recalled, and L. Domitius Ahenobarbus sent to take over the command. This question was postponed until the following year. Marcellus fled to Greece with Pompey, may have fought at Pharsalia, and after that battle lived in retirement at Mytilene. Cicero wrote several letters to him from Rome urging him to return and ask for pardon, but Marcellus refused.[b] His case was brought up in the Senate by Caesar's father-in-law, L. Piso, whose appeal was supported by Marcellus's cousin, the consul for 50, and the whole body of senators. Caesar passed some strictures on Marcellus's uncompromising temper, and declared that he could not refuse the Senate's request. Cicero shall himself describe his own part in the debate. "I had determined—not from apathy but from despair of ever regaining my old position—to hold my peace for ever. My determination was shattered by Caesar's magnanimity and the kind offices of the Senate. So I made a long speech of gratitude to Caesar, and I am afraid that now in every respect I have sacrificed that dignified retirement which was my one comfort in sorrow. Still, now that I have avoided giving offence to one who perhaps might have thought that unbroken silence on my part meant that I considered that the Republic was now extinct, I shall to some extent come out of my shell in order to comply with his wishes without interfering with my own pursuits."[c]

[a] "foede," *Ad Att.* v. 11. 2. [b] *Ad fam.* iv. 7, 8, 9.
[c] *Ad fam.* iv. 4.

We have a letter [a] written by Marcellus to Cicero after he had received intelligence of his pardon. It is dignified and even cold, and the tone of Cicero's reply [b] seems to indicate that he was still reluctant to return to Rome. At Piraeus in May 45 he was stabbed by one of his own suite, whose motive for the act is unknown.[c]

The authenticity of the speech has been impugned, on quite inadequate internal grounds, by some who, having stuffed out a lay figure of Cicero with their own preconceptions, refuse to allow it any utterance that does not square with those preconceptions. It is alleged that the praise poured so unstintingly upon Caesar is either gross and insincere flattery, or, if sincere, indicates a *volte-face* incredible in a statesman of any power or dignity. But such an argument fails to appreciate that an appearance of insincerity may be only the proof of elasticity and delicate reaction to a novel stimulus. Cicero had always admired Caesar, though he had always struggled against his admiration; now admiration turned, in that sensitive soul, to adoration on the discovery that Caesar was greater than he had dreamed. Can we wonder or disapprove that such a man as Cicero should have fallen under the spell of such a man as Caesar, even at the cost of allegiance to a long-cherished Idea? That idea seemed even to glow more brightly now that he could give it a local habitation in Caesar. "I seemed," he writes in a letter to an intimate friend, "to behold a vision of the Republic coming to life again!" [d]

[a] *Ad fam.* iv. 11. [b] *Ad fam.* iv. 10.
[c] *Ad fam.* iv. 12. [d] *Ad fam.* iv. 4. 3, 4 (to Sulpicius).

I have attempted to show that there is nothing in Cicero's tone here which is out of harmony with the conception of him that we may base upon his letters and his other speeches. I am glad to find support in the words of Yorke Fausset:

"Some want of taste, if we are to apply modern standards, must be conceded: our own oratory is more measured in its epithets. But the occasion, as Cicero conceived it, sufficiently accounts for his language. The vision of a restored *republic* rose before his eyes, when Caesar granted the pardon of the most stubborn of Pompeians to the prayers of the Senate: it seemed to him the περιπέτεια in the drama of absolutism: his despair of the republic had suddenly given place to confidence in her regenerator, his terror of proscription and feeling of isolation to a sense of security and even dignity. This reaction of feeling explains what there is of hyperbole and declamatory emphasis in the speech. What seems artificial is really natural in the highest degree. No one claims for Cicero a faculty of political prescience. But 'the eulogies which he showers upon Caesar, when we remember his design in bestowing them, lose to some degree the air of servility which has been made their reproach.'" [a]

[a] Introd. to edition of speech, p. 6. The quotation with which the passage concludes is from the brilliant sketch of C.'s relations with Caesar in Boissier, *Cicéron et ses amis*, pp. 257-302 (Eng. Trans.).

PRO M. MARCELLO ORATIO

1 I. Diuturni silentii, patres conscripti, quo eram his temporibus usus, non timore aliquo, sed partim dolore, partim verecundia, finem hodiernus dies attulit, idemque initium quae vellem quaeque sentirem meo pristino more dicendi: tantam enim mansuetudinem, tam inusitatam inauditamque clementiam, tantum in summa potestate rerum omnium modum, tam denique incredibilem sapientiam ac paene divinam
2 tacitus praeterire nullo modo possum. M. enim Marcello vobis, patres conscripti, reique publicae reddito, non illius solum, sed etiam meam vocem et auctoritatem et vobis et rei publicae conservatam ac restitutam puto. Dolebam enim, patres conscripti, et vehementer angebar virum talem, cum in eadem causa, in qua ego, fuisset, non in eadem esse fortuna, nec mihi persuadere poteram nec fas esse ducebam versari me in nostro vetere curriculo illo aemulo atque imitatore studiorum ac laborum meorum quasi quodam socio a me et comite distracto.

[a] See Introduction, p. 421.

THE SPEECH ON BEHALF OF MARCUS MARCELLUS

(Delivered before the Senate, 46)

I. To-day, Conscript Fathers, has brought to a 1
close the long silence,[a] due not to a feeling of fear, but to mingled feelings of grief and of diffidence, which I had observed during the recent troubles; to-day, too, marks the resumption of my old habit of expressing freely my desires and my opinions. For such humanity, such exceptional, nay, unheard-of clemency, such invariable moderation exhibited by one who has attained supreme power, such incredible and almost superhuman loftiness of mind I find it
impossible to pass by in silence. For in the restora- 2
tion of Marcus Marcellus, Conscript Fathers, to yourselves and to the state I feel that my own voice and influence, as well as his, have been preserved and restored to yourselves and to the state. For it was a grief to me, Conscript Fathers, and a bitter mortification, that so great a man, though serving the same cause as myself, should have met with a fate so different; and I could not bring myself, nor indeed did I think that it was right for me, to pursue my old path of life, when he who had been the rival and the imitator of my pursuits and my toils had been separated from me, viewing him, as I did, in the light of a comrade and a companion.

Ergo et mihi meae pristinae vitae consuetudinem, C. Caesar, interclusam aperuisti et his omnibus ad bene de omni re publica sperandum quasi signum
3 aliquod sustulisti. Intellectum est enim mihi quidem in multis et maxime in me ipso, sed paulo ante omnibus,[1] cum M. Marcellum senatui reique publicae concessisti, commemoratis praesertim offensionibus, te auctoritatem huius ordinis dignitatemque rei publicae tuis vel doloribus vel suspicionibus anteferre. Ille quidem fructum omnis ante actae vitae hodierno die maximum cepit, cum summo consensu senatus tum iudicio tuo gravissimo et maximo; ex quo profecto intellegis quanta in dato beneficio sit laus, cum in accepto sit tanta
4 gloria. Est vero fortunatus ille, cuius ex salute non minor paene ad omnis, quam ad ipsum ventura sit, laetitia pervenerit: quod quidem ei merito atque optimo iure contigit; quis enim est illo aut nobilitate aut probitate aut optimarum artium studio aut innocentia aut ullo laudis genere praestantior?

II. Nullius tantum flumen est ingenii, nullius dicendi aut scribendi tanta vis, tanta copia, quae non dicam exornare, sed enarrare, C. Caesar, res tuas gestas possit. Tamen adfirmo et hoc pace dicam tua, nullam in his esse laudem ampliorem quam eam,
5 quam hodierno die consecutus es. Soleo saepe ante oculos ponere idque libenter crebris usurpare ser-

[1] *MSS.* in omnibus. *Clark* omnibus.

[a] A flag hung from the general's tent was a signal for taking the field for battle or for going forth to found a colony.

Thus it is, Gaius Caesar, that you have not only thrown open to me the erstwhile pursuits of my life, from which I was debarred, but for all here you have, if I may so put it, raised aloft a standard [a] which shall lead them to form fair hopes for the state at large. For it has been made clear to me in the case 3
of many and especially in my own—as it was a short while ago to all of us, when you vouchsafed Marcus Marcellus to the Senate and the state after mentioning your grounds of offence—that you place the authority of this order and the dignity of the commonwealth before any resentments or suspicions of your own. Marcellus has indeed on this day, by reason both of the hearty concurrence of the Senate and of your own most weighty and authoritative decision, received what is the crowning reward of all his past life, and from that you cannot fail to understand what distinction attaches to the bestowal of a benefit, when the acceptance of it brings such glory. And 4
happy indeed is that man whose restitution has brought to all a joy scarce inferior to that which bids fair to accrue to himself. His good fortune is merited, is no more than his right; for who is there that can surpass him in nobility, in integrity, in devotion to humane pursuits, in blameless life, or in any other title to praise?

II. There is no genius so overflowing, no power of tongue or pen so lofty or so exuberant that it can adequately describe, let alone embellish, your achievements, Gaius Caesar. Still I do assert, with all deference to yourself, that no prouder glory is comprised therein than that which you have on this day attained. It is my practice to let my vision dwell 5
upon the fact—aye, and to maintain it eagerly in daily

monibus, omnis nostrorum imperatorum, omnis exterarum gentium potentissimorumque populorum, omnis clarissimorum regum res gestas cum tuis nec contentionum magnitudine nec numero proeliorum nec varietate regionum nec celeritate conficiendi nec dissimilitudine bellorum posse conferri, nec vero disiunctissimas terras citius passibus cuiusquam potuisse peragrari, quam tuis non dicam cursibus,
6 sed victoriis lustratae sunt: quae quidem ego nisi ita magna esse fatear, ut ea vix cuiusquam mens aut cogitatio capere possit, amens sim; sed tamen sunt alia maiora. Nam bellicas laudes solent quidam extenuare verbis easque detrahere ducibus, communicare cum multis, ne propriae sint imperatorum; et certe in armis militum virtus, locorum opportunitas, auxilia sociorum, classes, commeatus multum iuvant, maximam vero partem quasi suo iure Fortuna sibi vindicat et quicquid prospere gestum est, id paene
7 omne ducit suum. At vero huius gloriae, C. Caesar, quam es paulo ante adeptus, socium habes neminem: totum hoc, quantumcumque est, quod certe maximum est, totum est, inquam, tuum. Nihil sibi ex ista laude centurio, nihil praefectus, nihil cohors, nihil turma decerpit; quin etiam illa ipsa rerum humanarum domina, Fortuna, in istius societatem gloriae se non offert: tibi cedit, tuam esse totam et propriam fatetur; numquam enim temeritas cum

[a] The verb translated has religious associations, *i.e.* to purify by traversing, as in the procession at the *Ambarvalia*; *cf.* the Rogation Day ceremonies of the Catholic church.

converse—that all the achievements of our generals, of foreign nations and sovereign peoples and of the most renowned kings, can be compared with your own neither in the importance of the issues, nor in the multitude of engagements, nor in the diversity of battle-grounds, nor in the speed of completion nor in the manifold variety of warfare they present; and that lands the most widely severed could have been traversed by the footsteps of none in shorter time than they have been traversed[a] I will not say by your marches but by your victories. Were I to refuse to 6
admit that these achievements were greater than scarce any thought or imagination could embrace, I should indeed be infatuated; still, there are others yet greater. For there is a class of men who use disparaging terms of the honours of war; they would take them from the generals and make them the common property of the rank and file, refusing a monopoly of them to the higher command; and it is undeniable that in warfare the courage of the soldiers, advantage of position, allied assistance, fleets and supplies are important factors; but the lion's share is claimed for herself, as of right, by Fortune, who counts as her own nearly every success 7
that is won. But this glory, Gaius Caesar, which you have more recently acquired, none shares with you; all of it, to its whole extent (and its extent is beyond question great), all, I say, is yours. No jot nor tittle of that credit of yours is appropriated by centurion, by prefect, by cohort, or by squadron. Nay, even Fortune herself, the mighty mistress of human destinies, does not obtrude herself into partnership in this your glory. To you she yields it; yours, wholly and individually, she admits it to be;

sapientia commiscetur neque ad consilium casus
admittitur.
8 III. Domuisti gentis immanitate barbaras, multi-
tudine innumerabilis, locis infinitas, omni copiarum
genere abundantis: sed tamen ea vicisti, quae et
naturam et condicionem ut vinci possent habebant;
nulla est enim tanta vis quae non ferro et viribus
debilitari frangique possit: animum vincere, ira-
cundiam cohibere, victoriam temperare, adversarium
nobilitate, ingenio, virtute praestantem non modo
extollere iacentem, sed etiam amplificare eius
pristinam dignitatem, haec qui facit, non ego eum
cum summis viris comparo, sed simillimum deo
9 iudico. Itaque, C. Caesar, bellicae tuae laudes
celebrabuntur illae quidem non solum nostris, sed
paene omnium gentium litteris atque linguis, nec
ulla umquam aetas de tuis laudibus conticescet; sed
tamen eius modi res nescio quo modo etiam cum
leguntur, obstrepi clamore militum videntur et
tubarum sono: at vero cum aliquid clementer, man-
suete, iuste, moderate, sapienter factum, in iracundia
praesertim, quae est inimica consilio, et in victoria,
quae natura insolens et superba est, audimus aut
legimus, quo studio incendimur, non modo in gestis
rebus, sed etiam in fictis, ut eos saepe, quos numquam
10 vidimus, diligamus! Te vero, quem praesentem
intuemur, cuius mentem sensusque et os cernimus,
ut, quicquid belli fortuna reliquum rei publicae

for there is no taint of recklessness in your sagacity,
and chance has no right of entry to your deliberations.
III. You have subdued nations barbarous in their 8
brutality, innumerable in their multitude, infinite in
their extent, and abounding in every description of
resource; but at the same time the powers you
conquered were powers whose nature and circum-
stances made them amenable to conquest. For
there is no might so great that sword and strength
cannot enfeeble and crush it. But to conquer the
will, to curb the anger, and to moderate the triumph
—not merely to uplift from the dust the foe whose
rank, genius, and merit were pre-eminent, but even
to enhance his previous greatness—him who acts
thus I do not compare to the greatest of men, but I
judge him most like to God. This, Gaius Caesar, is 9
why, though the honours you have won in war shall
indeed be acclaimed by the literature and the elo-
quence not only of our own but of well-nigh every
nation, nor shall any future age fail to make mention
of your praise, still such a tale, even in the very
reading, seems, I know not how, to be drowned in
the huzzas of soldiery and the blare of trumpets.
But when we hear or read of some act of mercy, of
kindliness, of justice, of moderation, and of wisdom,
above all if performed in the hour of wrath, which is
the foe of counsel, and of triumph, which in its very
nature is haughty and overweening, how our hearts
burn within us, whether it be fact or merely fiction
that we study, so that our affection oft goes forth to
men whom we have never seen! But you, whom we 10
behold face to face, whose mind and emotions and
countenance declare to us as we view them that you
have at heart the salvaging of whatever wreck of

fecerit, id esse salvum velis, quibus laudibus efferemus? Quibus studiis prosequemur? Qua benevolentia complectemur? Parietes, me dius fidius, ut mihi videtur, huius curiae tibi gratias agere gestiunt, quod brevi tempore futura sit illa auctoritas in his maiorum suorum et suis sedibus.

IV. Equidem cum C. Marcelli, viri optimi et commemorabili pietate praediti lacrimas modo vobiscum viderem, omnium Marcellorum meum pectus memoria obfudit, quibus tu etiam mortuis M. Marcello conservato dignitatem suam reddidisti nobilissimamque familiam iam ad paucos redactam
11 paene ab interitu vindicasti. Hunc tu igitur diem tuis maximis et innumerabilibus gratulationibus iure antepones. Haec enim res unius est propria C. Caesaris; ceterae duce te gestae magnae illae quidem, sed tamen multo magnoque comitatu: huius autem rei tu idem es et dux et comes: quae quidem tanta est, ut tropaeis et monumentis tuis adlatura finem sit aetas: nihil est enim opere et manu factum, quod non aliquando conficiat et con-
12 sumat vetustas: at haec tua iustitia et lenitas animi florescet cotidie magis, ita ut quantum tuis operibus diuturnitas detrahet, tantum adferat laudibus; et ceteros quidem omnis victores bellorum

[a] Brother of M. Marcellus, consul 49.
[b] *i.e.*, for victories in Gaul (57), 15 days; for the same (55 and 52), 20 days; for victory in Africa (46), 40 days.

the constitution the fortune of war has left us—with what praise shall you be extolled by us? With what zeal shall you be honoured? With what gratitude embraced? I swear that the very walls of this Senate-house seem to me to be yearning to express to you their thankfulness that ere long Marcellus's honoured presence shall grace the halls which have been a home to his ancestors as to himself.

IV. For my own part, when a short while ago I witnessed, as did you yourselves, the tears of Gaius Marcellus,[a] at once so excellent and so noteworthy for brotherly affection, my heart was overwhelmed with recollection of all who bear that name, to whom, even those of them that are no more, you have by your preservation of Marcus Marcellus restored their pristine dignity, and rescued from all but extinction a family which had dwindled to a mere
handful. This day, therefore, will rightly be given pre- 11
eminence by you over all the proud and innumerable occasions on which thanks have been offered to you.[b] It is the occasion of a distinction which belongs peculiarly to Gaius Caesar, and to none else. The other achievements performed under your leadership have been doubtless great, but great and numerous have been your associates therein; while in this achievement you are at once sole leader and sole participant. So great indeed is it that though to your trophies and memorials the lapse of time will set a period (for there is no work of man's hands and labour which shall not sooner or later fade and pass away
with time), still this your justice and your mercy 12
shall blossom day by day more brightly, and what age steals from your handiwork it shall add to your glory. You had already vanquished all other victors in civil

civilium iam ante aequitate et misericordia viceras: hodierno vero die te ipsum vicisti. Vereor ut hoc, quod dicam, perinde intellegi possit auditum atque ipse cogitans sentio: ipsam victoriam vicisse videris, cum ea, quae illa erat adepta, victis remisisti; nam cum ipsius victoriae condicione omnes victi occidissemus, clementiae tuae iudicio conservati sumus. Recte igitur unus invictus es, a quo etiam ipsius victoriae condicio visque devicta est.

13 V. Atque hoc C. Caesaris iudicium, patres conscripti, quam late pateat attendite: omnes enim, qui ad illa arma fato sumus nescio quo rei publicae misero funestoque compulsi, etsi aliqua culpa tenemur erroris humani, scelere certe liberati sumus. Nam cum M. Marcellum deprecantibus vobis rei publicae conservavit, me et mihi et item rei publicae, nullo deprecante, reliquos amplissimos viros et sibi ipsos et patriae reddidit, quorum et frequentiam et dignitatem hoc ipso in consessu videtis, non ille hostis induxit in curiam, sed iudicavit a plerisque ignoratione potius et falso atque inani metu quam cupi-
14 ditate aut crudelitate bellum esse susceptum: quo quidem in bello semper de pace audiendum putavi semperque dolui non modo pacem, sed etiam oratio-

wars by your equity and your compassion; but on this day you have vanquished yourself. I fear lest the sense conveyed to the ear by what I say may not quite correspond to the thought that springs in my mind, when I declare that you seem to have vanquished Victory herself, now that you have surrendered to the vanquished all that Victory had gained. For though in accordance with the universal law of conquest all we, the conquered, were undone, by your deliberate clemency have we been preserved. Truly then are you alone invincible, since by you the law and might of Victory herself has been vanquished!

V. And observe, Conscript Fathers, how far-reach- 13
ing in its effects is the action which Gaius Caesar has decreed to take. For all of us who were impelled by some lamentable and fatal destiny that attends the state to espouse the cause we did, though we are amenable to some blame on the ground of human error, have at least been acquitted of any crime. When Caesar, at your intercession, preserved Marcellus for the commonwealth, and when, without any intercession, he restored me both to myself and also to the commonwealth, and these other eminent men, whom you see gathered at our meeting in large numbers and in full enjoyment of their dignity, both to themselves and to their country, he did not bring enemies into the Senate-house; but he decided that the greater number were induced to enter into the war rather by ignorance and by a false and groundless apprehension than by self-interest or rancour.
Throughout that war I held to the opinion that pro- 14
posals for peace should be listened to; and I never ceased to regret that not merely peace, but all the

nem civium pacem flagitantium repudiari; neque
enim ego illa nec ulla umquam secutus sum arma
civilia semperque mea consilia pacis et togae socia,
non belli atque armorum fuerunt. Hominem sum
secutus privato officio, non publico, tantumque
apud me grati animi fidelis memoria valuit, ut nulla
non modo cupiditate, sed ne spe quidem prudens et
sciens tamquam ad interitum ruerem voluntarium.
15 Quod quidem meum consilium minime obscurum
fuit; nam et in hoc ordine integra re multa de pace
dixi et in ipso bello eadem etiam cum capitis mei
periculo sensi. Ex quo nemo iam erit tam iniustus
existimator rerum qui dubitet quae Caesaris de
bello voluntas fuerit, cum pacis auctores conservandos
statim censuerit, ceteris fuerit iratior. Atque id
minus mirum fortasse tum, cum esset incertus
exitus et anceps fortuna belli: qui vero victor pacis
auctores diligit, is profecto declarat se maluisse non
16 dimicare quam vincere. VI. Atque huius quidem
rei M. Marcello sum testis; nostri enim sensus ut
in pace semper, sic tum etiam in bello congruebant:
quotiens ego eum et quanto cum dolore vidi, cum
insolentiam certorum hominum tum etiam ipsius
victoriae ferocitatem extimescentem! Quo gratior
tua liberalitas, C. Caesar, nobis, qui illa vidimus,

[a] Pompey the man, not P. the political leader; *cf. Ad Att.* viii. 2. 6.
[b] *e.g.*, L. Lentulus and L. Domitius Ahenobarbus.

arguments of public men who agitated for peace,
were rejected. For myself, indeed, I espoused
neither that nor any cause in the civil war, and my
aims were always such as went with peace and the
arts of civil life, not with war and arms. It was an
individual[a] whom I followed, through private and
not political obligation; and the loyal recollec-
tions of a grateful heart had such sway over me,
that, unmoved by any self-interest and even by any
hopes, I rushed deliberately and with open eyes upon
a self-chosen doom. I made no secret of these aims; 15
for not only did I plead earnestly for peace in this
House while the question was still open, but in the
thick of the war I retained the same opinions even at
the risk of my life. Consequently no critic of events
will be so prejudiced as to question what were
Caesar's wishes with regard to war, seeing that he has
lost no time in declaring for the restitution of those
who advocated peace, while displaying some measure
of resentment against the rest. That declaration was
perhaps less surprising when the issue and fortune of
the war yet hung in a doubtful balance; but he who
in the hour of triumph cherishes the advocates of
peace surely declares that he would have preferred
not to fight at all rather than to conquer.

VI. This is a truth to which I can bear evidence 16
on Marcus Marcellus's behalf; for our sentiments, as
ever in peace, so also in war, were in unison. How
often, and with what deep mortification, have I seen
his terror not only of the extravagant attitude adopted
by persons[b] I could name, but also of the savagery
even of victory! For this reason should we, who
have lived to witness both, hold your liberality,
Gaius Caesar, in the deeper gratitude; for it is not

debet esse ; non enim iam causae sunt inter se, sed
17 victoriae comparandae. Vidimus tuam victoriam
proeliorum exitu terminatam: gladium vagina
vacuum in urbe non vidimus. Quos amisimus civis,
eos Martis vis perculit, non ira victoriae, ut dubitare
debeat nemo quin multos, si fieri posset, C. Caesar
ab inferis excitaret, quoniam ex eadem acie con-
servat quos potest. Alterius vero partis nihil amplius
dicam quam, id quod omnes verebamur, nimis
18 iracundam futuram fuisse victoriam. Quidam enim
non modo armatis, sed interdum etiam otiosis mina-
bantur, nec quid quisque sensisset, sed ubi fuisset
cogitandum esse dicebant ; ut mihi quidem videantur
di immortales, etiam si poenas a populo Romano ob
aliquod delictum expetiverunt, qui civile bellum
tantum et tam luctuosum excitaverunt, vel placati
iam vel satiati aliquando omnem spem salutis ad
clementiam victoris et sapientiam contulisse.

19 Qua re gaude tuo isto tam excellenti bono, et
fruere cum fortuna et gloria tum etiam natura et
moribus tuis ; ex quo quidem maximus est fructus
iucunditasque sapienti. Cetera cum tua recordabere,
etsi persaepe virtuti, tamen plerumque felicitati
tuae gratulabere : de nobis, quos in re publica tecum

[a] C. says of Pompey : "sullaturit animus eius et proscripturit iamdiu" (*Ad Att.* ix. 10. 6).

[b] Plutarch (*Pomp.* 61) tells us that P. when he fled from Rome gave notice that "he should consider all the senators who stayed behind as partisans of Caesar."

cause with cause that we must compare to-day,
but victory with victory. We have seen your trium- 17
phant career consummated by the issue of successive
battles, but in the city we have never seen the sword
bare of its scabbard. The citizens we have lost have
been struck down by the might of Mars, not by the
vindictiveness of victory, and none, accordingly, has
just cause for doubt that there are many whom, were
it possible, Gaius Caesar would recall from the world
of the dead, seeing that he preserves the lives of such
survivors of that encounter as he can. As for the
other side, I will merely say that the universal fears
would have been realized in the passionate excesses
that would have attended their victory. For there 18
were some of them who uttered threats [a] not only
against their armed foes, but sometimes against
non-combatants ; and said that it was not what a man
thought but where he had been [b] that should be taken
into account ; so that to me at least it seems that the
immortal gods, even if they did exact retribution
from the Roman people for some sin, in that they
roused a civil war so grave and so lamentable, have
yet at last been so far appeased or sated that they
have transferred all prospects of a happy issue to the
clemency and sagacity of the victor.

Rejoice then in this your crowning bliss, and reap 19
the full harvest not only of your fortune and your
glory but above all of your own inborn goodness ; for
therein does the wise man find his highest profit and
delight. When you shall call to mind all else that
is yours, though very often it will be your virtues,
still frequently it will be your happy star that you will
thank ; whenever, on the other hand, your thought
shall dwell upon us, whom you have desired to see

simul esse voluisti, quotiens cogitabis, totiens de
maximis tuis beneficiis, totiens de incredibili liberali-
tate, totiens de singulari sapientia tua cogitabis:
quae non modo summa bona, sed nimirum audebo
vel sola dicere: tantus est enim splendor in laude
vera, tanta in magnitudine animi et consilii dignitas,
ut haec a virtute donata, cetera a fortuna commodata
20 esse videantur. Noli igitur in conservandis bonis
viris defetigari, non cupiditate praesertim aliqua aut
pravitate lapsis, sed opinione officii stulta fortasse,
certe non improba, et specie quadam rei publicae;
non enim tua ulla culpa est, si te aliqui timuerunt,
contraque summa laus, quod minime timendum
fuisse senserunt.

21 VII. Nunc venio ad gravissimam querellam et
atrocissimam suspitionem tuam, quae non tibi ipsi
magis quam cum omnibus civibus, tum maxime nobis,
qui a te conservati sumus, providenda est: quam
etsi spero falsam esse, tamen numquam extenuabo
verbis. Tua enim cautio nostra cautio est, ut si in
alterutro peccandum sit, malim videri nimis timidus
quam parum prudens. Sed quisnam est iste tam
demens? De tuisne?—tametsi qui magis sunt tui
quam quibus tu salutem insperantibus reddidisti?—
an ex hoc numero, qui una tecum fuerunt? Non est
credibilis tantus in ullo furor, ut quo duce omnia

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[a] *Species* here means "visionary image"; *cf. Ad fam.* iv. 4. 3, 4 (quoted in Introd.).

[b] *i.e.*, of plots against his life.

[c] A corrected re-statement of *de tuisne.*

associated in policy with yourself, then also shall it
dwell upon your own great kindnesses, your amazing
generosity, your unrivalled wisdom. These I will
venture to call not merely the highest, but even
the only blessings of life. For so bright is the lustre
of true glory, so high the merit that lies in mag-
nanimity and prudence, that while these seem to
be a gift of virtue's bestowal, all else is but a loan of
fortune. Be not, therefore, weary in the work of pre- 20
serving loyal patriots, above all those whose fall is
due not to some selfish or crooked course but to a
conception of their duty which, though perchance
deluded, is at all events not depraved, and to a sort
of political idealism[a]; for no blame is yours if some
have feared you, but rather the greatest commenda-
tion, because they knew that you were to be feared
so little.

VII. I pass now to the discussion of those awful 21
suspicions[b] which you have made the subject of
a vehement protest, suspicions which demand the
attention of the general body of citizens as well
as your own, but above all the attention of us who
owe to you our preservation. I trust that they are
groundless, but no expression that I may use shall
ever belittle them. For precautions which you take
for your own self are precautions taken for us; and
if we must err either by excess or by default, I would
rather appear too timid than too short-sighted. But
who is the lunatic who is in your mind? Is it one
of your own friends?—and yet who are more truly
your friends than those to whom you have restored
a security for which they dared not hope?—is it
one of those who were once on your side[c]? It is an
infatuation unbelievable in any man that he should

summa sit adeptus, huius vitam non anteponat suae. An si nihil tui cogitant sceleris, cavendum est ne quid inimici? Qui? Omnes enim, qui fuerunt, aut sua pertinacia vitam amiserunt aut tua misericordia retinuerunt, ut aut nulli supersint de inimicis aut
22 qui fuerunt sint amicissimi. Sed tamen cum in animis hominum tantae latebrae sint et tanti recessus, augeamus sane suspitionem tuam: simul enim augebimus diligentiam. Nam quis est omnium tam ignarus rerum, tam rudis in re publica, tam nihil umquam nec de sua nec de communi salute cogitans qui non intellegat tua salute contineri suam et ex unius tua vita pendere omnium? Equidem de te dies noctisque, ut debeo, cogitans casus dumtaxat humanos et incertos eventus valetudinis et naturae communis fragilitatem extimesco, doleoque, cum res publica immortalis esse debeat, eam in unius mortalis
23 anima consistere. Si vero ad humanos casus incertosque motus valetudinis sceleris etiam accedit insidiarumque consensio, quem deum, si cupiat, posse opitulari rei publicae credamus?

VIII. Omnia sunt excitanda tibi, C. Caesar, uni, quae iacere sentis, belli ipsius impetu, quod necesse fuit, perculsa atque prostrata: constituenda iudicia, revocanda fides, comprimendae libidines, propaganda suboles, omnia, quae dilapsa iam diffluxerunt,

not count his own life of less import than the life of one under whose leadership he has won all his highest possessions. Or, if your own adherents brood upon no dark scheme, need you take heed lest your *foes* do so? What foes? For all who were your foes have either forfeited their lives to their own obstinacy, or have retained them at the bidding of your mercy; and if all your foes have not perished, those who survive have become your firmest friends. Still, 22
since there are in the human mind corners so dark and recesses so unexplored, let us by all means intensify your suspicions; for by so doing we shall intensify your watchfulness. For what man on earth is there so ignorant of life, so unversed in politics, so utterly careless of his own well-being and that of the community, as not to realize that his own well-being is bound up in yours, and that on your sole life hang the lives of all? For my part, as I ponder by day and night upon you, as I cannot but do, it is but human chances, the doubtful issues of bodily disorder and the frailness of our common nature, at which I shudder; and I mourn that, while the commonwealth must be immortal, its existence should turn upon the mortal breath of a single man. But if 23
to human chances and the uncertain instability of bodily health there is also added conspiracy for criminal and treacherous ends, what god are we to suppose could succour the state, should he so desire?

VIII. It is for you alone, Gaius Caesar, to reanimate all that you see shattered and laid low as was inevitable, by the shock of the war itself; courts of law must be set on foot, licentiousness must be checked, and the growth of population fostered; all that has become disintegrated and dissipated

24 severis legibus vincienda sunt. Non fuit recusandum in tanto civili bello, tanto animorum ardore et armorum, quin quassata res publica, quicumque belli eventus fuisset, multa perderet et ornamenta dignitatis et praesidia stabilitatis suae, multaque uterque dux faceret armatus, quae idem togatus fieri prohibuisset: quae quidem tibi nunc omnia belli volnera sananda sunt, quibus praeter te nemo mederi potest.

25 Itaque illam tuam praeclarissimam et sapientissimam vocem invitus audivi: "satis diu vel naturae vixi vel gloriae." Satis, si ita vis, fortasse naturae, addo etiam, si placet, gloriae: at, quod maximum est, patriae certe parum. Qua re omitte istam, quaeso, doctorum hominum in contemnenda morte prudentiam: noli nostro periculo esse sapiens. Saepe enim venit ad auris meas, te idem istud nimis crebro dicere tibi satis te vixisse. Credo, sed tum id audirem, si tibi soli viveres aut si tibi etiam soli natus esses: omnium salutem civium cunctamque rem publicam res tuae gestae complexae sunt; tantum abes a perfectione maximorum operum, ut fundamenta nondum quae cogitas ieceris: hic tu modum vitae tuae non salute rei publicae, sed aequitate animi definies? Quid, si istud ne gloriae tuae quidem satis est? Cuius te esse avidissimum, quamvis sis sapiens, non

must be knit together by stringent regulation. It 24
had to be expected that in a civil war so grave, amid passions and combats so embittered, the stricken state, whatever the issue, would lose many that lent distinction to her pride and protection to her stability; that the leader on either side would be responsible, under a state of war, for many acts that under peace conditions he would have forbidden; and it is all these wounds of war's infliction which you are called upon to heal, and which none but you can treat. Consequently it was with regret that I 25
listened to those famous and philosophic words of yours: "I have lived long enough either for nature or for glory." Long enough, perhaps, if you will have it so, for nature,—and for glory too, if you like; but, what is more than all this, for your country all too brief a span. Speak not to us then, I beg, of the wisdom of philosophers who make light of death; let it not be at *our* peril that you play the sage. For indeed it frequently comes to my ears that this same utterance, that you have lived long enough for yourself, is all too often upon your lips. It may be so; but only if for yourself alone you lived, or if for yourself alone you had been born, would I listen to that word. It is the welfare of the community, it is the whole range of public life that your achievements have embraced; so far are you from consummating your chiefest labours, that you have not yet laid the foundation of all your plans. And will you at this juncture determine the limits of your life not by the welfare of the state, but by the tranquillity of your own mind? What if that limit is sufficient not even for your glory? For all your wisdom, you will not deny that you are consumed with desire for

26 negabis. Parumne igitur, inquies, magna relin-
quemus? Immo vero aliis quamvis multis satis, tibi
uni parum; quicquid est enim, quamvis amplum sit,
id est parum tum, cum est aliquid amplius. Quod
si rerum tuarum immortalium, C. Caesar, hic exitus
futurus fuit, ut devictis adversariis rem publicam in
eo statu relinqueres, in quo nunc est, vide, quaeso,
ne tua divina virtus admirationis plus sit habitura
quam gloriae; si quidem gloria est inlustris ac per-
vagata magnorum vel in suos vel in patriam vel in
omne genus hominum fama meritorum.

27 IX. Haec igitur tibi reliqua pars est; hic restat
actus, in hoc elaborandum est, ut rem publicam con-
stituas, eaque tu in primis summa tranquillitate et
otio perfruare: tum te, si voles, cum et patriae quod
debes solveris et naturam ipsam expleveris satietate
vivendi, satis diu vixisse dicito. Quid est enim
omnino hoc ipsum diu, in quo est aliquid extremum?
Quod cum venit, omnis voluptas praeterita pro nihilo
est, quia postea nulla est futura. Quamquam iste
tuus animus numquam his angustiis, quas natura
nobis ad vivendum dedit, contentus fuit, semper
28 immortalitatis amore flagravit. Nec vero haec tua
vita ducenda est, quae corpore et spiritu continetur:
illa, inquam, illa vita est tua, quae vigebit memoria

that. "Shall I then," you will say, "leave behind 26
me an achievement all too small?" Nay, but what
you leave would be enough for other men, however
many they be; for yourself alone it would be too
small. For whatever it is, how great soe'er it be, so
long as there is aught greater, your achievement *is*
too small. But if this, Gaius Caesar, was destined to
be the issue of your mortal works, that, after sub-
duing your adversaries, you should leave the state
in the condition where it stands to-day, look to it, I
beg of you, that your superhuman qualities win not
admiration rather than glory—if indeed glory be the
bright and widespread fame won by great services
conferred upon a man's own friends or upon his
country or upon the human race at large.

IX. This chapter, then, still awaits you; this act 27
yet remains to be played, to this must you summon
all your powers—to plant the constitution firmly,
and yourself to reap the chiefest fruits thereof in
peace and tranquillity. Then and then only, if you
will, when you have paid your country what you owe
her, when satiety of life has enabled you to make full
discharge to Nature herself, we give you leave to say
that you have lived long enough. For what, in any
case, is the significance of this same word "long,"
if it involves an idea of finality? When *that* comes,
all past pleasure goes for nothing, because there
shall be none thereafter. And yet your mighty
spirit has never been content with the confines
wherein nature has cribbed our lives; it has ever
burned with the passion for immortality. But in 28
truth it is no fabric moulded of body and breath that
we should deem your life to be; nay, that—that, I
say—is your true life, which shall energize in the

saeculorum omnium, quam posteritas alet, quam ipsa aeternitas semper tuebitur. Huic tu inservias, huic te ostentes oportet, quae quidem quae miretur iam pridem multa habet; nunc etiam quae laudet exspectat. Obstupescent posteri certe imperia, provincias, Rhenum, Oceanum, Nilum, pugnas innumerabilis, incredibilis victorias, monimenta,
29 munera, triumphos audientes et legentes tuos: sed nisi haec urbs stabilita tuis consiliis et institutis erit, vagabitur modo tuum nomen longe atque late, sedem stabilem et domicilium certum non habebit. Erit inter eos etiam, qui nascentur, sicut inter nos fuit, magna dissensio, cum alii laudibus ad caelum res tuas gestas efferent, alii fortasse aliquid requirent, idque vel maximum, nisi belli civilis incendium salute patriae restinxeris, ut illud fati fuisse videatur, hoc consilii. Servi igitur eis etiam iudicibus, qui multis post saeculis de te iudicabunt et quidem haud scio an incorruptius quam nos; nam et sine amore et sine cupiditate et rursus sine odio et sine invidia
30 iudicabunt. Id autem etiam si tum ad te, ut quidam falso putant, non pertinebit, nunc certe pertinet esse te talem, ut tuas laudes obscuratura nulla umquam sit oblivio.

[a] If Sallust (*Cat.* li.) is to be trusted, Caesar was no believer in a future life; for this reason Weiske would bracket *falso*, as likely to offend Caesar.

memory of all ages, which posterity shall nourish and eternity itself always sustain. *This* is the life to which you should consecrate yourself, this to which you should reveal your true character; this for many years past has had much to admire; now it looks too for deeds which it may extol. Doubtless generations yet to come will be struck dumb when they hear and read of the commands you have held and the provinces you have won—the Rhine, the Ocean, the Nile—your countless battles, your amazing victories, your memorials, your largesses, and your
triumphs; but if this city is never to be tranquillized 29
by your measures and your institutions, the passage of your name to the ends of the earth will be but a wayward roaming; fixed resting-place and assured home it will never have. Among those yet unborn there shall arise, as there has arisen among us, sharp division; some shall laud your achievements to the skies, and others perchance shall find some quality, and that the chiefest, to be lacking, should you fail to quench the fires of civil war, and thereby bring salvation to your country, with the result that your achievements in war will be attributed to fate but the establishment of order to design. Look then to the verdict even of those who shall pass judgement upon you many ages hence, a judgement that will in all probability be less prejudiced than ours; for *they* will judge without partiality or interest, as without
animosity or hatred. And even if this verdict, as 30
some are so deluded as to think, shall affect you not at all,[a] still at the present moment it is a matter that does assuredly affect you, that you should so bear yourself that no forgetfulness may ever dim the lustre of your fame.

X. Diversae voluntates civium fuerunt distractae-
que sententiae; non enim consiliis solum et studiis,
sed armis etiam et castris dissidebamus; erat enim
obscuritas quaedam, erat certamen inter clarissimos
duces; multi dubitabant quid optimum esset, multi
quid sibi expediret, multi quid deceret, non nulli
31 etiam quid liceret. Perfuncta res publica est hoc
misero fatalique bello: vicit is, qui non fortuna
inflammaret odium suum, sed bonitate leniret; neque
omnis, quibus iratus esset, eosdem etiam exsilio aut
morte dignos iudicaret; arma ab aliis posita, ab aliis
erepta sunt: ingratus est iniustusque civis, qui
armorum periculo liberatus animum tamen retinet
armatum, ut etiam ille melior sit, qui in acie cecidit,
qui in causa animam profudit; quae enim pertinacia
32 quibusdam, eadem aliis constantia videri potest: sed
iam omnis fracta dissensio est armis, exstincta
aequitate victoris: restat ut omnes unum velint, qui
modo habent aliquid non solum sapientiae, sed etiam
sanitatis. Nisi te, C. Caesar, salvo et in ista sententia,
qua cum antea tum hodie vel maxime usus es,
manente salvi esse non possumus. Qua re omnes te,
qui haec salva esse volumus, et hortamur et ob-
secramus, ut vitae tuae et saluti consulas, omnesque
tibi, ut pro aliis etiam loquar quod de me ipse sentio,

[a] *e.g.*, the Pompeians in Africa.

X. Divergent, indeed, have been the aims of our
countrymen, and widely sundered their views; for
ours was a difference not merely of policies and
ideals, but of arms and camps as well. The issues
were perplexed, for two generals of the first renown
stood in the lists against each other; many hesitated
as to the best course, many as to the most expedient
for themselves, many as to the most becoming;
some even hesitated as to what was lawful. The 31
commonwealth went through to the bitter end with
this wretched war wherewith fate had burdened it.
The conqueror was not one to let success kindle, but
rather to let his innate kindliness mollify his hatred;
not one to account all who had deserved his re-
sentment deserving also of exile or of death. Some
laid down their arms, others had them wrenched
from their grasp. That citizen knows neither grati-
tude nor justice who, when released from the peril
of arms, still keeps his soul armed; so that the better
man is even he who has fallen upon the stricken
field [a] and poured out his life-blood for a Cause. For
what appears to some as obstinacy may be strength
of purpose in the eyes of others. Now, however, all 32
dissension has been shattered by the arms, quenched
by the impartiality of the victor; and it remains that
all should be united in purpose who have but a
modicum not of wisdom necessarily, but of sound
judgement. Only through your safety, Gaius Caesar,
and by your adherence to the policy on which you
have hitherto, but above all to-day, acted, can there
be any safety for ourselves. For this reason all of us,
who have the safety of the existing frame of things
at heart, urge and implore you to look to your own life
and welfare; and, if I may say on behalf of others what

quoniam subesse aliquid putas quod cavendum sit, non modo excubias et custodias, sed etiam laterum nostrorum oppositus et corporum pollicemur.

33 XI. Sed ut, unde est orsa, in eodem terminetur oratio, maximas tibi omnes gratias agimus, C. Caesar, maiores etiam habemus; nam omnes idem sentiunt, quod ex omnium precibus et lacrimis sentire potuisti; sed quia non est omnibus stantibus necesse dicere, a me certe dici volunt, cui necesse est quodam modo, et quod fieri decet M. Marcello a te huic ordini populoque Romano et rei publicae reddito, fieri id intellego; nam laetari omnis non de unius solum,
34 sed de communi omnium salute sentio; quod autem summae benevolentiae est, quae mea erga illum omnibus semper nota fuit, ut vix C. Marcello, optimo et amantissimo fratri, praeter eum quidem cederem nemini, cum id sollicitudine, cura, labore tam diu praestiterim, quam diu est de illius salute dubitatum, certe hoc tempore magnis curis, molestiis, doloribus liberatus praestare debeo. Itaque, C. Caesar, sic tibi gratias ago, ut omnibus me rebus a te non conservato solum, sed etiam ornato, tamen ad tua in me unum innumerabilia merita, quod fieri iam posse non arbitrabar, maximus hoc tuo facto cumulus accesserit.

[a] Senators stood only to make a speech at length on a motion.

I personally feel, since you think that some danger lurks which should be guarded against, we all promise you not merely sentinels and bodyguards, but the shelter that our own breasts and bodies can afford.

XI. But, that my speech may conclude even where 33
it began, we all express to you, Gaius Caesar, our deepest gratitude, and feel it even more deeply; all our hearts beat as one, as you have been enabled to realize by the prayers and tears of all. But since it is not necessary that all should stand up[a] to give expression to these sentiments, they at least desire that they should be expressed through me, on whom such expression is especially incumbent; and such action as should fittingly follow upon the restoration of Marcus Marcellus by you to this order and to the Roman people and state is, I understand, being taken; for I feel that all rejoice at the deliverance not of a single person, but of the community at large.
Moreover, as regards the duties of the deepest 34
affection (and how deep my affection is towards my friend has always been a matter of public knowledge; indeed I would scarce yield place in this respect to his excellent and devoted brother Gaius, and certainly to none save him), since I have ever fulfilled these by my anxiety, my interest, and my efforts, so long as his restoration was still an open question, at this time assuredly, released as I am from grave solicitude, distress, and grief, I am bound to fulfil them. Accordingly, Gaius Caesar, while I thank you, I yet remember that, after I had been in all respects not only preserved but even distinguished by you, the countless services you have conferred upon myself individually have, though I thought it impossible, been gloriously crowned by your present action.

THE SPEECH ON BEHALF OF QUINTUS LIGARIUS

INTRODUCTION

In the year 50, on the eve of the outbreak of the civil war, Q. Ligarius was *legatus* to C. Considius, governor of the province of Africa. At the close of that year Considius quitted the province, leaving Ligarius in charge; whereupon the Pompeians in Africa urged him to assume the leadership of their party. He acquiesced, so Cicero would have us believe (§ 3), rather than consented. In the meantime Attius Varus, a former governor of Africa and now a Pompeian general, took refuge in his old province after suffering defeat in Picenum, and naturally assumed command of the republicans, assigning to Ligarius the defence of the coast. Shortly afterwards L. Aelius Tubero, nominated by the Senate to succeed Considius as propraetor of Africa, appeared off Utica, but was forbidden by Ligarius to land, in spite of the fact that his son Quintus, who was on board with him, was sick. The Tuberos, father and son, joined Pompey in Macedonia (§ 27), and after Pharsalia submitted to Caesar and were pardoned. Ligarius remained in Africa, fought at Thapsus (April 46), was captured by Caesar, and spared, though not as yet allowed to return to Rome. "He likes," Cicero wrote to Ligarius, "to keep for long on tenterhooks people who, he thinks, kept him for long in worry."[a]

[a] *Ad. fam.* vi. 13, 3.

Cicero, encouraged by the indulgence accorded to Marcellus, and still sanguine that Caesar would conjure a new republic from the ruins of the old, was working hard to procure Ligarius's pardon.[a] In company with the offender's brothers he had visited Caesar early one September morning, and while they flung themselves at the dictator's feet, he himself had used all his eloquence. "Not only from the expressions he used," he wrote, "generous and sympathetic as they were, but from his eyes, his countenance, and many other signs more easily descried than described, I went away with the conviction that your restoration was certain."

The past could not be laid so easily to rest. Quintus Tubero, the pardoned Pompeian, smarting under the recollection of the personal affront paid by Ligarius to his father and himself at Utica, and perhaps hoping to curry favour with Caesar by an officious activity in delation, laid a formal charge against him, perhaps of *perduellio*, or siding with an enemy (in this case Juba) against the Roman people. Caesar, who had arrogated to himself personal jurisdiction in certain cases, heard the charge in the forum.

Cicero achieved a striking triumph. "When Quintus Ligarius," writes Plutarch, "was prosecuted for having borne arms against Caesar, and Cicero had undertaken to plead his cause, Caesar is reported to have said, 'Why may we not give ourselves a pleasure which we have now not enjoyed for so long a time, that of hearing Cicero speak; since I have already taken my resolution as to Ligarius, who is clearly a bad man, as well as my

[a] *Ad fam.* vi. 14.

enemy?' But he was much moved when Cicero began; and his speech as it proceeded had such a variety of pathos, so irresistible a charm, that his colour often changed, and his mind was evidently torn by conflicting passions. At last, when the orator touched upon the battle of Pharsalia, he was so extremely affected that his whole frame trembled, and he let drop some papers out of his hand. Thus subdued by the force of eloquence, he acquitted Ligarius."[a]

Ligarius repaid his benefactor by joining his assassins, and was probably one of the two Ligarii who perished in the proscription of the Triumvirs in 43.

That the version of the speech which has come down to us is virtually that which Cicero delivered is attested by a sentence in a letter to Atticus (xiii. 20): "I can't at this point, when the facts are common property, add to the speech for Ligarius any reference to Tubero's wife or step-daughter; what is more, I don't want to offend Tubero, who is nothing if not critical." There is another allusion to the speech in the previous letter: "I see that the seal of your approval has been a great advertisement to my speech for Ligarius. Balbus has written to me, and Oppius too, saying how enormously they like it; and for this reason they have sent the little effort to Caesar."

The opinion of these contemporaries has been echoed by nearly all critics. Quintilian makes constant reference to the speech,[b] in nearly every case treating it as a mine from which to draw

[a] *Cic.* 39.

[b] See Quintilian, Loeb Cl. Lib., vol. iv. Index.

exemplars for the emulation of the orator. Modern views have been no less approving. "Only a Cicero could have combined, under such trying conditions, the dignity and independence of the republican with the nicety and reserve of the courtier" (Drumann). "A masterpiece of art" (Yorke Fausset). "In its kind a perfect composition" (Long).

Worthy of special admiration are the delicate irony with which he handles his opponents the Tuberos; the unflinching resolution (conveying as it does implications flattering to Caesar's generosity) with which he links his own case with that of Ligarius; the "remorseless logic" (Fausset) with which he retorts the charge upon the accuser; the appeal to Caesar's humanity; and the terse and limpid vigour of the peroration.

PRO Q. LIGARIO ORATIO

1 I. Novum crimen, C. Caesar, et ante hunc diem non auditum propinquus meus ad te Q. Tubero detulit, Q. Ligarium in Africa fuisse, idque C. Pansa, praestanti vir ingenio, fretus fortasse familiaritate ea, quae est ei tecum, ausus est confiteri: itaque quo me vertam nescio. Paratus enim veneram, cum tu id neque per te scires neque audire aliunde potuisses, ut ignoratione tua ad hominis miseri salutem abuterer; sed quoniam diligentia inimici investigatum est quod latebat, confitendum est, opinor, praesertim cum meus necessarius Pansa fecerit, ut id integrum iam non esset, omissaque controversia omnis oratio ad misericordiam tuam conferenda est, qua plurimi sunt conservati, cum a te non liberationem culpae,
2 sed errati veniam impetravissent. Habes igitur, Tubero, quod est accusatori maxime optandum, con-

[a] We do not know how C. was related to Tubero. Note the implication—humanity comes before kinship. Note also the irony, which is " continued all through the speech whenever Tubero is spoken of " (Long).

[b] An adherent of Caesar and a supporter of Ligarius; consul 43. Pansa's "courage" in admitting so trivial a charge is dwelt on in irony.

THE SPEECH ON BEHALF OF QUINTUS LIGARIUS

(Delivered before Caesar in the Forum, 46)

I. Strange, indeed, Gaius Caesar, and hitherto un- 1
paralleled is the charge which has been submitted to you by my kinsman[a] Quintus Tubero—that Quintus Ligarius has been in Africa; and this charge Gaius Pansa,[b] with all his outstanding ability, has made bold to admit; fortified, possibly, by his intimacy with you. So what my course is to be I know not. For, hoping that you knew nothing of the matter at first hand and that you could have known nothing of it at second hand, I had come prepared to take advantage of your ignorance to save an unfortunate man. But now that his dark secret has been disclosed by an indefatigable opponent, there is nothing for it, I suppose, but to plead guilty to the charge, especially as, thanks to my friend Pansa, it is no longer a debatable question. So I must needs eschew controversy and convert my whole speech into an appeal for your compassion, to which so many have owed their safety, winning from you not indeed absolution from guilt but pardon for their errors. You have 2
then, Tubero, the benefit of what is the dearest dream of counsel for the prosecution, a prisoner who

fitentem reum, sed tamen hoc confitentem, se in ea parte fuisse, qua te, qua virum omni laude dignum, patrem tuum. Itaque prius de vestro delicto confiteamini necesse est, quam Ligarii ullam culpam reprehendatis.

Q. enim Ligarius, cum esset nulla belli suspitio, legatus in Africam cum C. Considio profectus est, qua in legatione et civibus et sociis ita se probavit, ut decedens Considius provincia satis facere hominibus non posset, si quemquam alium provinciae praefecisset. Itaque Ligarius, cum diu recusans nihil profecisset, provinciam accepit invitus; cui sic praefuit in pace, ut et civibus et sociis gratissima esset
3 eius integritas ac fides. Bellum subito exarsit, quod qui erant in Africa ante audierunt geri quam parari: quo audito partim cupiditate inconsiderata, partim caeco quodam timore primo salutis, post etiam studii sui quaerebant aliquem ducem, cum Ligarius domum spectans, ad suos redire cupiens, nullo se implicari negotio passus est. Interim P. Attius Varus, qui praetor Africam obtinuerat, Uticam venit: ad eum statim concursum est; atque ille non mediocri cupiditate adripuit imperium, si illud imperium esse potuit, quod privato clamore multitudinis imperitae,
4 nullo publico consilio deferebatur. Itaque Ligarius, qui omne tale negotium cuperet effugere, paulum adventu Vari conquievit. II. Adhuc, C. Caesar,

pleads guilty, but guilty of having been on the same side as you, Tubero, and as that very estimable gentleman your father. You must needs therefore plead guilty to your own offence, before you proceed to arraign that of Ligarius.

Quintus Ligarius, when there was as yet no hint of war, left for Africa to serve as legate under Gaius Considius, and in that capacity he acted so greatly to the satisfaction of our citizens and allies, that when Considius left the province the populace would not be contented with the appointment of anyone else as governor. So, after persistent but fruitless protest, Ligarius reluctantly accepted the province, and his administration of it in time of peace was such that citizens and allies alike were delighted with his incor-
ruptibility and honour. War broke out so suddenly 3
that the inhabitants of Africa heard that it was being waged before they learned that it was being prepared. On hearing this, partly with unthinking eagerness, partly with a sort of blind fear, they were looking for somebody who might take the lead first in securing their safety and then also in realizing their desires, while Ligarius, with his eye fixed on home and eager to return to his dear ones, refused to involve himself in any trouble. Meanwhile Publius Attius Varus, who had governed Africa as propraetor, arrived at Utica. All attention immediately converged upon him. He with significant alacrity seized the government, if that could be called government which was vested in him without official sanction but merely in compliance with the irresponsible agitation of an un-
intelligent mob. Accordingly Ligarius, since he was 4
anxious to avoid all such embarrassments, on the arrival of Varus remained for a time wholly inactive.

Q. Ligarius omni culpa vacat: domo est egressus non modo nullum ad bellum, sed ne ad minimam quidem suspitionem belli; legatus in pace profectus est; in provincia pacatissima ita se gessit, ut ei pacem esse expediret. Profectio certe animum tuum non debet offendere: num igitur remansio? Multo minus; nam profectio voluntatem habuit non turpem, remansio necessitatem etiam honestam. Ergo haec duo tempora carent crimine: unum, cum est legatus profectus, alterum, cum efflagitatus a pro-
5 vincia praepositus Africae est. Tertium tempus est, quod post adventum Vari in Africa restitit, quod si est criminosum, necessitatis crimen est, non voluntatis. An ille, si potuisset ullo modo evadere, Uticae quam Romae, cum P. Attio quam cum concordissimis fratribus, cum alienis esse quam cum suis maluisset? Cum ipsa legatio plena desiderii ac sollicitudinis fuisset propter incredibilem quendam fratrum amorem, hic aequo animo esse potuit belli discidio distractus a fratribus?

6 Nullum igitur habes, Caesar, adhuc in Q. Ligario signum alienae a te voluntatis; cuius ego causam animadverte, quaeso, qua fide defendam: prodo meam. O clementiam admirabilem atque omnium laude, praedicatione, litteris monumentisque decorandam! Cum M. Cicero apud te defendit alium

II. Up to this point, Gaius Caesar, Quintus Ligarius stands clear of all blame. So far from leaving his home at the call of war, he left it when there was not the remotest suspicion of war; he went out as legate in time of peace, and in an utterly peaceable province he so bore himself that peace was its highest interest. His departure at least can give you no just cause of affront. And what of his remaining? Far less this; for while his departure implied an inclination which did him no discredit, his remaining was due to an honourable necessity. These two conjunctures, then, are unimpeachable: the first, when he left Rome as legate; the second, when, in response to the demands of the province, he was given the charge of Africa. The third con- 5
juncture is the period during which he stayed behind in Africa after Varus's arrival, and if this is indictable, it is his necessity that you must indict, not his inclination. Do you think that, if by any means he could have escaped, he would have preferred to be at Utica than to be at Rome, with Publius Attius than with the brothers who were as the apple of his eye, with strangers than with his dear ones? An inconceivable affection for those brothers had made even the tenure of his legateship into a torment of deprivation, and was it possible that he calmly endured to be torn from his brothers by the divorce of war?

You have then, Caesar, up to this point no evidence 6
of any clash of wills between Ligarius and yourself; and note, I pray you, with what loyalty I defend his cause; I am betraying my own. O marvellous clemency and worthy to be adorned by every commendation and advertisement that literature and historical record can supply! When Marcus Cicero

in ea voluntate non fuisse, in qua se ipsum confitetur fuisse, nec tuas tacitas cogitationes extimescit nec quid tibi de alio audienti de se ipso occurrat reformidat. III. Vide quam non reformidem; vide quanta lux liberalitatis et sapientiae tuae mihi apud te dicenti oboriatur: quantum potero voce contendam,
7 ut populus Romanus exaudiat: suscepto bello, Caesar, gesto etiam ex parte magna, nulla vi coactus, iudicio ac voluntate ad ea arma profectus sum, quae erant sumpta contra te. Apud quem igitur hoc dico? Nempe apud eum, qui, cum hoc sciret, tamen me, ante quam vidit, rei publicae reddidit; qui ad me ex Aegypto litteras misit, ut essem idem qui fuissem; qui, cum ipse imperator in toto imperio populi Romani unus esset, esse me alterum passus est; a quo hoc ipso C. Pansa mihi hunc nuntium perferente concessos fascis laureatos tenui, quoad tenendos putavi; qui mihi tum denique se salutem putavit reddere,[1] si eam nullis spoliatam ornamentis dedisset.
8 Vide, quaeso, Tubero, ut, qui de meo facto non dubitem, de Ligarii non[2] audeam confiteri. Atque haec propterea de me dixi, ut mihi Tubero, cum de se eadem dicerem, ignosceret; cuius ego industriae gloriaeque faveo vel propter propinquam cognationem,

[1] *Some MSS.* dare.
[2] *Some MSS. omit* non.

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[a] There is subtle flattery in C.'s outspokenness. It was to be employed later by Tiberius' senators (Tac. *Ann.* i. 8. 5).

[b] See *Pro Rege Deiot.* § 11 note. C., hoping for a triumph, retained his laurelled *fasces* till 47.

[c] With this reading the sentence is ironical, preparing the way for the question asked in 9; omitting *non* we must render "I do not flinch from confessing what *I* did, and so I am bold to admit L.'s [much smaller] offence."

maintains in your presence that another was not an adherent of the cause which he admits that he himself embraced, he feels no fear of what unspoken reflections may fill your mind, nor does he shudder at what thoughts about himself may be suggesting themselves to you as you listen to his defence of that other. III. See how I stand unterrified! see how largely the light of your generosity and wisdom breaks upon me as I speak! I will strain my voice to the uttermost that this word of mine may penetrate to the hearing of the people of Rome: not until war 7
had been engaged, Caesar, not indeed until it had run most of its course, did I, constrained by no compulsion, but led only by a deliberate act of will, go forth to join those who had taken up arms against you.[a] And in whose presence do I aver this? Why, in the presence of one who, though he knew all this, yet restored me to the commonwealth before he had seen me; who sent me a letter from Egypt, bidding me remain what I had always been; who, though he himself was the only true "Imperator" in the whole world that the Roman people commanded, yet suffered me[b] to be the second; from whose hand, by a mandate of which this same Gaius Pansa was the bearer, I held the grant of laurelled fasces for such time as I thought good to hold them; who thought that then only was he rendering me full restoration, if he had given it despoiled of none of its distinctions. Mark, Tubero, I pray, how I, who flinch 8
not from confessing my own fault, dare not to acknowledge that of Ligarius![c] And I have spoken thus about myself in order that Tubero might forgive me when I said the same about him; for his close relationship to me, or possibly the gratification his

vel quod eius ingenio studiisque delector, vel quod
laudem adulescentis propinqui existimo etiam ad
9 meum aliquem fructum redundare. Sed hoc quaero:
quis putat esse crimen fuisse in Africa? Nempe is,
qui et ipse in eadem Africa esse voluit et prohibitum
se a Ligario queritur, et certe contra ipsum Caesarem
est congressus armatus. Quid enim tuus ille, Tubero,
destrictus in acie Pharsalica gladius agebat? Cuius
latus ille mucro petebat? Qui sensus erat armorum
tuorum? Quae tua mens? oculi? manus?
ardor animi? Quid cupiebas? Quid optabas?
Nimis urgeo; commoveri videtur adulescens; ad
10 me revertar: isdem in armis fui. IV. Quid autem
aliud egimus, Tubero, nisi ut quod hic potest nos
possemus? Quorum igitur impunitas, Caesar, tuae
clementiae laus est, eorum ipsorum ad crudelitatem
te acuit oratio. Atque in hac causa non nihil equidem,
Tubero, etiam tuam, sed multo magis patris tui
prudentiam desidero, quod homo cum ingenio tum
etiam doctrina excellens genus hoc causae quod esset
non viderit; nam si vidisset, quovis profecto quam
isto modo a te agi maluisset: arguis fatentem. Non
est satis: accusas eum, qui causam habet aut, ut ego
11 dico, meliorem quam tu aut, ut tu vis, parem. Haec

ability and enthusiasm give me, or, it may be, the
thought that the credit of a young kinsman reacts in
some degree to my personal interest, makes me look
with favour upon his energy and rising repute. My 9
question, however, is this: who thinks it an indictable
offence in Ligarius "to have been in Africa"? Why,
the very man who himself expressed a wish to be
in Africa and complains that he was excluded by
Ligarius, and who undoubtedly met Caesar himself in
armed encounter! When *your* sword, Tubero, was
unsheathed on the field of Pharsalus, what was its
object, at whose breast was its blade directed, what
was the significance of your weapons, upon what
were your thoughts, your eyes, your strong right arm,
your fiery spirit bent? What desires, what dreams
did you cherish? I am too insistent; my young
friend betrays embarrassment; I will return to
myself. I fought upon the same side. IV. But what 10
was our aim, Tubero, if it was not that we might win
the power that *he* has won? Is it then, Caesar, the
very men, whose enjoyment of indemnity wins you
your title to clemency, who by their eloquence would
sting you into cruelty? And in the present suit,
Tubero, while I do in some degree sadly miss the discretion which characterizes yourself, far more sadly
do I miss that of your father, who, with all his outstanding abilities and his deep learning, has failed to
understand the true nature of the action before us.
For, had he understood, he would have preferred you
to take any line rather than that which you are
taking; you are bringing a charge against one who
admits it. That is not enough; you are accusing one
whose case is, as I assert, better than your own, or at
any rate, as you would rather have it, no worse than

admirabilia, sed prodigii simile est, quod dicam : non habet eam vim ista accusatio, ut Q. Ligarius condemnetur, sed ut necetur. Hoc egit civis Romanus ante te nemo : externi sunt isti mores, qui[1] usque ad sanguinem incitari solent odio aut levium Graecorum aut immanium barbarorum. Nam quid agis aliud ? Romae ne sit ? Ut domo careat ? Ne cum optimis fratribus, ne cum hoc T. Broccho, avunculo, ne cum eius filio, consobrino suo, ne nobiscum vivat ? Ne sit in patria ? Num est ? Num potest magis carere his omnibus quam caret ? Italia prohibetur, exsulat. Non tu ergo eum patria privare, qua caret, sed
12 vita vis. At istud ne apud eum quidem dictatorem, qui omnis quos oderat morte multabat, quisquam egit isto modo : ipse iubebat occidi nullo postulante, praemiis etiam invitabat ; quae tamen crudelitas ab hoc eodem aliquot annis post, quem tu nunc crudelem esse vis, vindicata est.

V. " Ego vero istud non postulo " inquies. Ita me hercule existimo, Tubero. Novi enim te, novi patrem, novi domum nomenque vestrum ; studia generis ac familiae vestrae virtutis, humanitatis, doctrinae, plurimarum artium atque optimarum nota mihi sunt.
13 Itaque certo scio vos non petere sanguinem, sed parum attenditis : res enim eo spectat, ut ea poena,

[1] qui . . . odio *omitted by Clark with most* MSS.

[a] Sulla.

[b] In 64 Caesar presided over trials for assassination of some agents of Sulla's proscription.

your own. This is astonishing, but what I have yet 11
to point out is portentous. The purport of your prosecution is, not that Quintus Ligarius may be condemned, but that he may be executed. No citizen of Rome has ever had such an aim before you. These are foreign ways—the ways of one whose hatred spurs him to bloodshed—of shallow Greeks or unnatural barbarians. For what but this is your purpose ? That he may live no more at Rome, that his house may know him no more ? That his excellent brothers, that Titus Brocchus his uncle, and Brocchus's son his cousin, and that we ourselves, may no longer share his life ? That he may set no foot upon his native soil ? But does he set foot there to-day ? Can he be more totally deprived of all these things than he already is ? He is debarred from Italy ; he is an exile. It is not then of the country which he has lost that you desire to despoil him, but of life. But 12
even under the dictator[a] who visited with death all whom he disliked, no one did what you are doing and as you are doing it. He ordered men to be murdered, though none accused ; he lured men by bribes to commit murders ; but his cruelty was requited years afterwards by the very man whom you to-day are urging to cruelty.[b]

V. " But I demand no such thing," you will answer. Indeed I can well believe it, Tubero. For I know you, I know your father, I know your house and your fair name ; the ardour of your family and your household for virtue, for enlightenment, for learning, and for many high and noble accomplishments—all this is known to me. And so I am per- 13
fectly aware that you do not aim at bloodshed, but you fail in discernment ; for your conduct of the case

in qua adhuc Q. Ligarius est, non videamini esse contenti. Quae est igitur alia praeter mortem? Si enim est in exsilio, sicuti est, quid amplius postulatis? an, ne ignoscatur? Hoc vero multo acerbius multoque est durius: quod nos domi petimus precibus, lacrimis, strati ad pedes, non tam nostrae causae fidentes quam huius humanitati, id ne impetremus oppugnabis, et in nostrum fletum inrumpes, et nos
14 iacentis ad pedes supplicum voce prohibebis? Si, cum hoc domi faceremus, quod et fecimus et, ut spero, non frustra fecimus, tu repente inruisses et clamare coepisses "C. Caesar, cave ignoscas, cave te fratrum pro fratris salute obsecrantium misereat," nonne omnem humanitatem exuisses? Quanto hoc durius, quod nos domi petimus, id te in foro oppugnare et in tali miseria multorum perfugium misericordiae
15 tollere? Dicam plane, Caesar, quod sentio: si in hac tanta tua fortuna lenitas tanta non esset, quam tu per te, per te, inquam, obtines—intellego quid loquar,—acerbissimo luctu redundaret ista victoria: quam multi enim essent de victoribus qui te crudelem esse vellent, cum etiam de victis reperiantur! Quam multi qui cum a te ignosci nemini vellent, impedirent clementiam tuam, cum etiam hi, quibus ipse ignovisti,

suggests that you are not satisfied with the penalty under which Quintus Ligarius has so far fallen. But what other penalty is there except death? If he is in exile, as he is, what more do you ask? That pardon should be refused him? That were a fate far more heart-breaking, far more cruel. Are you to enter the lists to thwart us in a suit that we supported by prayers, by tears, and by prostrations, trusting not so much to the goodness of our cause as to Caesar's humanity? Are you to break in upon our weeping, and, as we lie in the dust at your feet, to
stifle our humble entreaties? If, when we were 14
doing at home what we have actually, and I trust not vainly, done, you had suddenly burst in upon us and raised the cry, "Gaius Caesar, beware how you bestow your pardon! beware how you pity these brothers appealing for a brother's deliverance!" would you not have divested yourself of every rag of finer feeling? And how far harder is it to bear, that you should thwart in the forum the appeal that we have made at home, and that in our dire plight you should shut the gates of that sanctuary where so
many have found a refuge? I will speak without 15
reserve what I feel, Caesar. If, in the greatness of your fortunes, the clemency, in which you purposely, yes, purposely persist—and I realize what I am saying—had not been equally great, then your triumph would be overwhelmed in a flood of bitter mourning. How many of the *victors* would there be who would have you pitiless, since such are found even among the vanquished? How many would be those who, wishing that none should be pardoned by you, would raise barriers against your mercy, when even those whom you yourself have

16 nolint te esse in alios misericordem! Quod si probare Caesari possemus in Africa Ligarium omnino non fuisse, si honesto et misericordi mendacio saluti civi calamitoso esse vellemus, tamen hominis non esset, in tanto discrimine et periculo civis refellere et redarguere nostrum mendacium, et, si esset alicuius, eius certe non esset, qui in eadem causa et fortuna fuisset; sed tamen aliud est errare Caesarem nolle, aliud nolle misereri: tunc diceres: "Caesar, cave credas: fuit in Africa, tulit arma contra te." Nunc quid dicis? "Cave ignoscas." Haec nec hominis nec ad hominem vox est: qua qui apud te, C. Caesar, utitur, suam citius abiciet humanitatem quam extorquebit tuam.

17 VI. Ac primus aditus et postulatio Tuberonis haec, ut opinor, fuit, velle se de Q. Ligarii scelere dicere. Non dubito quin admiratus sis, vel quod de nullo alio, vel quod is, qui in eadem causa fuisset, vel quidnam novi sceleris adferret. Scelus tu illud vocas, Tubero? Cur? Isto enim nomine illa adhuc causa caruit: alii errorem appellant, alii timorem; qui durius, spem, cupiditatem, odium, pertinaciam; qui gravissime, temeritatem: scelus praeter te adhuc nemo.

[a] Plato's γενναῖον ψεῦδος, Horace's *splendide mendax.*
[b] *i.e.*, to the praetor.

pardoned would have you show no compassion towards others? But suppose I were able to prove to Caesar 16
that Ligarius had never been in Africa at all, suppose we chose by a splendid and compassionate falsehood[a] to bring deliverance to a stricken fellow-citizen, even then it would be no true man's part, in a citizen's dire and dangerous crisis, to rebut and refute our falsehood, and, if the part of any man, not his assuredly who had fought and failed beneath the self-same standard. But it is one thing to wish to save Caesar from a mistake, and quite another to dissuade him from pity. Had the former wish been yours, you would have said, "Caesar, beware how you believe him; Ligarius was in Africa; he bore arms against you." But as it is, what are your words? "Beware how you pardon him." These are the words of no true man, and no true man would utter them. He who utters them in your presence, Gaius Caesar, is sooner likely to cast charity from his own heart than to tear it from yours.

VI. Now in his preliminary application for leave[b] 17
to bring this suit Tubero stated, I understand, that he wished to proceed against the *crime* of Quintus Ligarius. Doubtless you have felt some surprise either that the alleged criminal should have been Ligarius rather than another, or that the prosecutor should have been a fellow-adherent, or as to what strange charge he was bringing. You call his act a crime, do you, Tubero? Why? That is a word that has hitherto not been applied to such a situation. Some use the term "blunder," others "fear," the less charitable speak of hope, ambition, hatred, obstinacy; the sternest judges of recklessness; but of crime none till now save you. My own view, if we seek to

Ac mihi quidem, si proprium et verum nomen nostri mali quaeritur, fatalis quaedam calamitas incidisse videtur et improvidas hominum mentis occupavisse, ut nemo mirari debeat humana consilia divina
18 necessitate esse superata. Liceat esse miseros: quamquam hoc victore esse non possumus. Sed non loquor de nobis: de illis loquor, qui occiderunt. Fuerint cupidi, fuerint irati, fuerint pertinaces: sceleris vero crimine, furoris, parricidii liceat Cn. Pompeio mortuo, liceat multis aliis carere. Quando hoc quisquam ex te, Caesar, audivit, aut tua quid aliud arma voluerunt nisi a te contumeliam propulsare? Quid egit tuus invictus exercitus, nisi ut suum ius tueretur et dignitatem tuam? Quid? Tu, cum pacem esse cupiebas, idne agebas, ut tibi cum sceleratis, an ut cum bonis civibus conveniret?
19 Mihi vero, Caesar, tua in me maxima merita tanta certe non viderentur, si me ut sceleratum a te conservatum putarem. Quo modo autem tu de re publica bene meritus esses, cum tot sceleratos incolumi dignitate esse voluisses? Secessionem tu illam existimavisti, Caesar, initio, non bellum, neque hostile odium, sed civile discidium, utrisque cupientibus rem publicam salvam, sed partim consiliis, partim studiis a communi utilitate aberrantibus. Principum dignitas erat paene par, non par fortasse eorum, qui

[a] C. uses Caesar's own word; see *Bell. Civ.* i. 9.

find a true and appropriate name for our malady, is that it is some predestinate calamity that has befallen and so taken possession of men's improvident minds, that no one ought to wonder that human counsels were overcome by heaven-sent
necessity. "Wretched" such men may be, though 18
we cannot be wretched with Caesar triumphant;—but I speak not of ourselves, I speak of the fallen; moved they may have been by partisanship, by passion, by obstinacy; but of the charge of criminal purpose, of frenzy, of parricidal treason, let the dead Gnaeus Pompeius and many others be absolved. When, Caesar, has anyone heard such a word upon your lips, or what aim had your arms save to repel insult[a] from yourself? What purpose had your invincible army save to protect its own privileges and your position? Again, at the time when you were bent on peace, did you make it your aim to come to an agreement with scoundrels, or with patriotic
citizens? For my own part, Caesar, I should not 19
esteem so highly your great services towards me, if I could look upon myself as a criminal who owed his preservation to you. And how could you have deserved so well of the commonwealth, had you desired that so many criminals should enjoy an unimpaired esteem? At the outset, Caesar, you held that that movement was a secession, not a war, not an outburst of hatred between foes, but of dissension between citizens, a dissension in which either party had the welfare of the state at heart, but in which each, through policy or through passion, swerved from the interest of the general body. The protagonists enjoyed an almost equal prestige, though that of the adherents of one side may perhaps have been

sequebantur; causa tum dubia, quod erat aliquid in utraque parte, quod probari posset; nunc melior ea iudicanda est, quam etiam di adiuverunt; cognita vero clementia tua quis non eam victoriam probet, in qua occiderit nemo nisi armatus?

20 VII. Sed, ut omittam communem causam, veniamus ad nostram, utrum tandem existimas facilius fuisse, Tubero, Ligarium ex Africa exire an vos in Africam non venire? "Poteramusne," inquies, "cum senatus censuisset?" Si me consulis, nullo modo. Sed tamen Ligarium senatus idem legaverat; atque ille eo tempore paruit, cum parere senatui necesse erat; vos tunc paruistis, cum paruit nemo, qui noluit. Reprehendo igitur? Minime vero; neque enim licuit aliter vestro generi, nomini, familiae, disciplinae: sed hoc non concedo, ut, quibus rebus gloriemini in vobis, easdem in aliis
21 reprehendatis. Tuberonis sors coniecta est ex senatus consulto, cum ipse non adesset, morbo etiam impediretur: statuerat excusare. Haec ego novi propter omnis necessitudines, quae mihi sunt cum L. Tuberone: domi una eruditi, militiae contubernales, post adfines, in omni denique vita familiares; magnum etiam vinculum, quod isdem studiis semper

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[a] *i.e.*, a majority of *nobiles* were on Pompey's side.
[b] Father of the prosecutor; see Introd.
[c] They served together in the Social War under Cn. Pompeius Strabo.

inferior.[a] Between the two causes it was at the time difficult to decide, for the reason that on either side there was something to approve; to-day that cause must be adjudged the better, whereto the gods added their assistance. But now that we recognize your clemency, who so blind as to disapprove that victory wherein none save combatants fell?

VII. But, to say no more about the cause in its 20
larger aspect, let us pass to our own part therein. Which, pray, do you think would have been the easier, Tubero?—for Ligarius to leave Africa, or for you and your fellows to abstain from visiting Africa? "Could we have abstained," you will ask, "in face of the Senate's decree?" If you ask my opinion, certainly not. But it was the Senate too which had given Ligarius his appointment; and, what is more, he obeyed at a time when obedience to the Senate was inevitable; you obeyed it at a time when no one obeyed who did not wish to do so. Do I therefore censure you? Not the least in the world; there was no other course open to one of your stock, your name, your family, your traditions. But my generosity does not go so far as to allow you to censure that course in others which you make matter for glorification in yourself. Tubero's [b] post was assigned 21
to him by a decree of the Senate, when he himself was not present, and was moreover disabled by ill-health; he had made up his mind to ask to be excused. Of all this the close ties of every kind which subsisted between myself and Tubero made me aware; we were educated beneath the same roof, we shared quarters on service,[c] we were later connected by marriage, we were intimate in every department of life; there was too between us the firm bond

usi sumus. Scio igitur Tuberonem domi manere voluisse: sed ita quidam agebat, ita rei publicae sanctissimum nomen opponebat, ut, etiam si aliter sentiret, verborum tamen ipsorum pondus sustinere
22 non posset. Cessit auctoritati amplissimi viri vel potius paruit: una est profectus cum eis, quorum erat una causa; tardius iter fecit; itaque in Africam venit iam occupatam. Hinc in Ligarium crimen oritur vel ira potius: nam si crimen est illum voluisse, non minus magnum est vos Africam, arcem omnium provinciarum, natam ad bellum contra hanc urbem gerundum, obtinere voluisse quam aliquem se maluisse. Atque is tamen aliquis Ligarius non fuit: Varus imperium se habere dicebat; fascis certe
23 habebat. Sed quoquo modo se illud habet, haec querella, Tubero, vestra quid valet? "Recepti in provinciam non sumus." Quid, si essetis? Caesarine eam traditurі fuistis an contra Caesarem retenturi? VIII. Vide quid licentiae, Caesar, nobis tua liberalitas det vel potius audaciae: si responderit Tubero, Africam, quo senatus eum sorsque miserat, tibi patrem suum traditurum fuisse, non dubitabo apud ipsum te, cuius id eum facere interfuit, gravissimis verbis eius consilium reprehendere. Non enim, si

[a] *i.e.*, the father.
[b] Perhaps M. Marcellus.

of community of taste. I am sure, therefore, that Tubero[a] wished to remain at home; but a certain person[b] was so pressing, and confronted him so insistently with the sacred claims of the state, that even had his sentiments been other than they were, he could not have held out against the mere weight of bare words. He yielded to, or rather 22
obeyed, the compelling force of a great personality. He left the country in company with his fellow-adherents. His journey was protracted; and consequently he found Africa already under occupation. Hence arises this charge, or rather this outburst, against Ligarius. For if the mere wish is a chargeable offence, it is no less a crime in you to have wished for possession of Africa, the key of all the provinces, designed by nature as a base for hostile operations against this city, than for another to have preferred keeping it for himself. But that other was not Ligarius. Varus maintained that the authority was accredited to himself; at any rate he was in possession of the symbols of power. But however 23
this may be, to what, Tubero, does your grievance amount? "We were refused admission into the province." And what if you had been admitted? Did you intend to hand it over to Caesar or to retain it against Caesar? VIII. Mark, Caesar, how great a measure of free speech, or rather of effrontery, your generosity accords to us. If Tubero replies that Africa, whither the Senate and the lot had sent him, would have been handed over by his father to you, I shall have no hesitation, even in your presence, to whose interest it was that he should do so, to censure such a policy in the severest language. For welcome though it might have been, it would not

24 tibi ea res grata fuisset, esset etiam probata. Sed iam hoc totum omitto, non tam ne offendam tuas patientissimas auris, quam ne Tubero quod numquam cogitavit facturus fuisse videatur.

Veniebatis igitur in Africam, provinciam unam ex omnibus huic victoriae maxime infestam, in qua erat rex potentissimus inimicus huic causae, aliena voluntas, conventus firmi atque magni. Quaero: quid facturi fuistis? Quamquam quid facturi fueritis dubitem, cum videam quid feceritis? Prohibiti estis in provincia vestra pedem ponere et
25 prohibiti summa iniuria. Quo modo id tulistis? Acceptae iniuriae querellam ad quem detulistis? Nempe ad eum, cuius auctoritatem secuti in societatem belli veneratis. Quod si Caesaris causa in provinciam veniebatis, ad eum profecto exclusi provincia venissetis: venistis ad Pompeium. Quae est ergo apud Caesarem querella, cum eum accusetis, a quo queramini prohibitos esse vos contra Caesarem gerere bellum? Atque in hoc quidem vel cum mendacio, si voltis, gloriemini per me licet, vos provinciam fuisse Caesari tradituros. Etiam si a Varo et a quibusdam aliis prohibiti estis, ego tamen confiteor culpam esse Ligarii, qui vos tantae laudis occasione privaverit.

26 IX. Sed vide, quaeso, Caesar, constantiam orna-

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[a] Juba, king of Numidia.

[b] Associations of Roman citizens in provincial towns for trade and other purposes.

have been approved by you. But I now dismiss the 24
whole topic, not so much to avoid offending your long-suffering ears as that it may not appear that Tubero would ever have done what it never entered his head to do.

Well, you and your friends, Tubero, were going to Africa, a province which was peculiarly and pre-eminently embittered against Caesar's successes, where there was an all-powerful king[a] who hated his cause, where the general feeling was adverse to it, and where there were strong and influential citizen-corporations.[b] What, I ask, were you going to do there? Yet can I have any doubt what you were going to do, since I see what you in fact did? You were debarred from setting foot in your province—
debarred too with the deepest affront. How did you 25
submit to this? Before whom did you lay a complaint of the affront you had received? Why, before that very compelling personality your adherence to whom had induced you to share the fortune of his wars. Had it been in Caesar's cause that you meant to visit that province, it would surely have been to him that you would have appealed when you were excluded from the province. You appealed to Pompeius. And what complaint is this to bring to Caesar's ears—plaintively to arraign the man who debarred you from waging war against Caesar! In this connexion I give you full leave to boast, even with lies if you will, that you would have handed the province over to Caesar. Even if you were excluded by Varus and others, still I will readily avow that the blame belongs to Ligarius for having robbed you of the opportunity of winning so rich a glory.

IX. But observe, I beg of you, Gaius Caesar, 26

tissimi viri, quam ego, quamvis ipse probarem, ut probo, tamen non commemorarem, nisi a te cognovissem in primis eam virtutem solere laudari. Quae fuit igitur umquam in ullo homine tanta constantia? Constantiam dico? Nescio an melius patientiam possim dicere. Quotus enim istud quisque fecisset, ut, a quibus partibus in dissensione civili non esset receptus, esset etiam cum crudelitate reiectus, ad eos ipsos rediret? Magni cuiusdam animi atque eius viri est, quem de suscepta causa propositaque sententia nulla contumelia, nulla vis, nullum peri-
27 culum possit depellere. Ut enim cetera paria Tuberoni cum Varo fuissent, honos, nobilitas, splendor, ingenium, quae nequaquam fuerunt, hoc certe praecipuum Tuberonis, quod iusto cum imperio ex senatus consulto in provinciam suam venerat. Hinc prohibitus non ad Caesarem, ne iratus, non domum, ne iners, non in aliquam regionem, ne condemnare causam illam, quam secutus erat, videretur: in Macedoniam ad Cn. Pompeii castra venit, in eam
28 ipsam causam, a qua erat reiectus iniuria. Quid? Cum ista res nihil commovisset eius animum, ad quem veneratis, languidiore, credo, studio in causa fuistis; tantum modo in praesidiis eratis, animi vero a causa abhorrebant: an, ut fit in civilibus bellis, . . .[1] nec in vobis magis quam in reliquis;

[1] *Lacuna noted by Madvig.*

[a] The *constantia* of Tubero, who took an early opportunity of deserting the Pompeian cause, is sarcastically dwelt on.

[b] The sense to be supplied at this gap in the MSS. is "that you had no desire for peace? But this is not more true of you than of others, for . . ."

the constancy[a] of this gifted gentleman, which, however I respected it myself, as I do respect it, I still should not refer to, had I not reason to know that it is a virtue which meets with your especial commendation. What constancy so great, then, was ever found in any man? Constancy do I call it? Surely long-sufferingness were the better term! For how few would have acted thus!—to return to the very party by which at a time of civil dissension he had been coldly treated, nay, had been actually rejected without pity! There is real greatness of soul in such an act—the act of a hero whom no affront, no constraint, and no peril can make to swerve from the cause he has embraced and the ideal he has set before him! For granted that all 27
else had been possessed by Tubero equally with Varus—honour, birth, distinction, genius—as they certainly were not, Tubero had at least the special advantage that he had come to the province with power formally accredited to him by decree of the Senate. Debarred thence, he goes not to Caesar, lest he should be thought resentful, not homewards, lest he should be thought apathetic, not to some other country, lest he should be thought to condemn the cause he had followed; he goes to Pompeius's camp in Macedonia, to throw himself into the arms of the very party by which he had been outrageously rejected. And what then? when your plight had 28
failed to stir the heart of him to whom you had come, I imagine you displayed but a half-hearted zeal for the party; you were merely within the lines, but all your soul revolted from the cause: or was it, as commonly happens in civil wars . . .[b] and not in you more than in others; for we were all alike pos-

omnes enim vincendi studio tenebamur. Pacis equidem semper auctor fui, sed tum sero; erat enim amentis, cum aciem videres, pacem cogitare. Omnes, inquam, vincere volebamus; tu certe praecipue, qui in eum locum veneras, ubi tibi esset pereundum, nisi vicisses; quamquam, ut nunc se res habet, non dubito quin hanc salutem anteponas illi victoriae.

29 X. Haec ego non dicerem, Tubero, si aut vos constantiae vestrae aut Caesarem beneficii sui paeniteret. Nunc quaero utrum vestras iniurias an rei publicae persequamini: si rei publicae, quid de vestra in illa causa perseverantia respondebitis? Si vestras, videte ne erretis, qui Caesarem vestris inimicis iratum fore putetis, cum ignoverit suis.

Itaque num tibi videor in causa Ligarii esse occupatus? Num de eius facto dicere? Quicquid dixi, ad unam summam referri volo vel humanitatis vel
30 clementiae vel misericordiae tuae. Causas, Caesar, egi multas equidem tecum, dum te in foro tenuit ratio honorum tuorum, certe numquam hoc modo: "ignoscite, iudices; erravit, lapsus est, non putavit; si umquam posthac." Ad parentem sic agi solet, ad iudices: "non fecit, non cogitavit; falsi testes, fictum crimen." Dic te, Caesar, de facto Ligarii iudicem esse; quibus in praesidiis fuerit quaere:

[a] Caesar, as usual at Rome, made practice at the bar an avenue to office. C. (*Brutus* 72) says that he spoke Latin better than almost any other orator; Quintilian (x. 1. 114) that if he had devoted himself to pleading, no one else would have been a match for Cicero.

sessed by the thirst for victory. For my part, I had always urged peace, but now such efforts came too late; for it would have been the act of a madman to dream of peace with the battle set in array before my eyes. We all, I say, wished for success, you assuredly above all, for you had come into a place where you must perish unless you vanquished; although, as things stand now, I doubt not but that you prefer the security you enjoy to such a victory.

X. I should not say this, Tubero, if either you 29
regretted your constancy or Caesar his kindness. As it is, what outrage, I ask, are you seeking to avenge—your own or the state's? If the state's, what answer will you make with regard to your perseverance in that cause? If your own, beware how you fall into the blunder of thinking that Caesar will vent his wrath upon *your* foes, when he has pardoned his own.

In face of all this, do I appear to you, Caesar, to be engrossed in Ligarius's case, or to dwell upon his conduct? Every word I have spoken I would have referred to one single head—to your humanity
or your clemency or your compassion. Often, 30
Caesar, have I pleaded many causes at your side, while the demands of your official career kept you at the bar,[a] but never after this fashion: "I crave your pardon for my client, gentlemen; he blundered—he slipped—he never thought—if ever again. . . ." That is the tone one adopts towards a parent, but to a jury we say: "He did not do this thing; he never dreamed of it; the evidence is false; the charge is invented." Do but tell us, Caesar, that you are here to pronounce as judge upon Ligarius's conduct; ask in what lines he was found; and lo!

taceo, ne haec quidem conligo, quae fortasse valerent etiam apud iudicem : " legatus ante bellum profectus, relictus in pace, bello oppressus, in eo ipso non acerbus, iam est totus animo ac studio tuus." Ad iudicem sic, sed ego apud parentem loquor : " erravit, temere fecit, paenitet ; ad clementiam tuam confugio, delicti veniam peto, ut ignoscatur oro."

Si nemo impetravit, adroganter : si plurimi, tu
31 idem fer opem, qui spem dedisti. An sperandi Ligario causa non sit, cum mihi apud te locus sit etiam pro altero deprecandi ? Quamquam nec in hac oratione spes est posita causae nec in eorum studiis, qui a te pro Ligario petunt, tui necessarii. XI. Vidi enim et cognovi quid maxime spectares, cum pro alicuius salute multi laborarent : causas apud te rogantium gratiosiores esse quam voltus, neque te spectare quam tuus esset necessarius is, qui te oraret, sed quam illius, pro quo laboraret. Itaque tribuis tu quidem tuis ita multa, ut mihi beatiores illi videantur interdum, qui tua liberalitate fruuntur, quam tu ipse, qui illis tam multa concedas ; sed video tamen apud te causas, ut dixi, valere plus

I am dumb, I do not even enumerate those circumstances that might perhaps have weight even with a jury : " He left the country before the outbreak of war to take up his legateship, he was left behind while peace still reigned, he was suddenly overtaken by the war, and in the war itself he showed no bitterness ; to-day in soul and sympathy he is your devoted adherent." That is the tone to use to a jury, but I plead before a father : " He blundered, he acted thoughtlessly, he is sorry ; I throw myself upon your clemency, I crave indulgence for his fault, I implore his pardon."

If no one has pleaded for that successfully, it is presumption ; if very many, then grant help, even as
you have given hope. Or is Ligarius to have no 31
ground for hope, when to me grace is granted to beg in your presence for mercy for another also? And yet it is not on this appeal of mine that I build my hopes of success ; no, nor yet on the efforts of those friends[a] of yours who make their suit to you on Ligarius's behalf. XI. For I have seen and learnt, when many were anxiously endeavouring to win the safety of one or another, what it was you chiefly regarded ; that it was the claims of your suitors that gained your interest rather than their features, and that you regarded not how far the pleader was your friend, but how far he was the friend of him for whom he strove. And so, though your bounties to your friends are so rich that at times I think that those who enjoy your generosity are more highly blest than even you who lavish your graces upon them, yet at the same time, I repeat, I see that claims have more weight

[a] *e.g.*, Pansa.

quam preces, ab eisque te moveri maxime, quorum iustissimum videas dolorem in petendo.

32 In Q. Ligario conservando multis tu quidem gratum facies necessariis tuis, sed hoc, quaeso, considera, quod soles: possum fortissimos viros, Sabinos, tibi probatissimos, totumque agrum Sabinum, florem Italiae ac robur rei publicae, proponere; nosti optimos homines: animadverte horum omnium maestitiam et dolorem; huius T. Brocchi, de quo non dubito quid existimes, lacrimas squaloremque
33 ipsius et filii vides. Quid de fratribus dicam? Noli, Caesar, putare de unius capite nos agere: aut tres tibi Ligarii retinendi in civitate sunt aut tres ex civitate exterminandi; nam quodvis exsilium his est optatius quam patria, quam domus, quam di penates, uno illo exsulante. Si fraterne, si pie, si cum dolore faciunt, moveant te horum lacrimae, moveat pietas, moveat germanitas; valeat tua vox illa, quae vicit: te enim dicere audiebamus nos omnis adversarios putare, nisi qui nobiscum essent; te omnis, qui contra te non essent, tuos. Videsne igitur hunc splendorem omnium, hanc Brocchorum domum, hunc L. Marcium, C. Caesetium, L. Corfidium, hos omnis equites Romanos, qui adsunt veste mutata, non solum notos tibi, verum etiam probatos

[a] Caesar in 82 had taken refuge among the Sabines from Sulla's vengeance.

[b] Ligarius's uncle.

[c] In a letter to Atticus (xiii. 44) C. writes: "Brutus has pointed out to me that my reference, in the speech for Ligarius, to L. Corfidius is a blunder . . . he died before it was delivered. Please . . . have the name removed from all copies."

with you than prayers, and that you are most profoundly stirred by those who in making their petitions have the best grounds for grief.

In preserving Quintus Ligarius you will indeed 32
gratify many of your friends, but take this, I beg you, into consideration, as you always do: I am able to bring before you gallant gentlemen, Sabines, men most esteemed by you, the whole Sabine district, the flower of Italy and the strength of the state; you know the mettle of these men.[a] Mark the grief and dejection of all these; you see the tears and unkempt guise of Titus Brocchus[b]—and I have no doubt as to your opinion of him—his own, and his son's. What need for me to speak 33
of Ligarius's brothers? Think not, Caesar, that a single head is at stake; either you must retain three who bear the name of Ligarius in our society, or three must from that society be cast forth. For any exile is to these more desirable than possession of fatherland, of home, and of household gods, if their brother must go forth to banishment alone. As their conduct is brotherly, as it is dutiful, as it is sympathetic, so let their tears, their dutifulness, their fraternal bond appeal to you; let the maxim which won you your victory hold good to-day. For we have often heard you assert that, while *we* held all men to be our opponents save those on our side, *you* counted all men your adherents who were not against you. And do you mark the illustrious array before you—Brocchus and his household, Lucius Marcius, Gaius Caesetius, Lucius Corfidius,[c] all Roman knights who attend here in the garb of mourning—men who are not merely known to you, but known for good men and true, men who were

viros, qui tecum fuerunt? Atque his irascebamur,
hos requirebamus, his non nulli etiam minabamur.
Conserva igitur tuis suos, ut, quem ad modum cetera,
quae dicta sunt a te, sic hoc verissimum reperiatur.
34 XII. Quod si penitus perspicere posses concordiam
Ligariorum, omnis fratres tecum iudicares fuisse.
An potest quisquam dubitare quin, si Q. Ligarius
in Italia esse potuisset, in eadem sententia fuerit
futurus, in qua fratres fuerunt? Quis est qui horum
consensum conspirantem et paene conflatum in hac
prope aequalitate fraterna noverit, qui hoc non
sentiat, quidvis prius futurum fuisse, quam ut hi
fratres diversas sententias fortunasque sequerentur?
Voluntate igitur omnes tecum fuerunt: tempestate
abreptus est unus, qui si consilio id fecisset, esset
eorum similis, quos tu tamen salvos esse voluisti.
35 Sed ierit ad bellum, dissenserit non a te solum, verum
etiam a fratribus: hi te orant tui. Equidem, cum
tuis omnibus negotiis interessem, memoria teneo
qualis T. Ligarius quaestor urbanus fuerit erga te et
dignitatem tuam. Sed parum est me hoc meminisse:
spero etiam te, qui oblivisci nihil soles nisi iniurias,
quoniam hoc est animi, quoniam etiam ingenii tui,
te aliquid de huius illo quaestorio officio, etiam de
aliis quibusdam quaestoribus reminiscentem re-
36 cordari. Hic igitur T. Ligarius, qui tum nihil egit
aliud—neque enim haec divinabat—nisi ut tui eum

[a] In 56 a grant of money was made to Caesar for payment of his troops; T. L. as *quaestor urbanus* could have expedited payment.

on your side? And upon these we vented our wrath,
for these we sought in vain among our ranks, against
these some of us even uttered their threats! Pre-
serve, then, for your adherents their loved ones, that
so we may find this maxim of yours as true as we
have found all that you have spoken.
XII. And could you but see clearly the concord 34
that binds the Ligarii, you would decide that all
the brothers had been on your side. Or can any
doubt that, had it been possible for Ligarius to
remain in Italy, his views would have been the
same as those his brothers held? Who is there
that knows the single-hearted and well-nigh in-
dissoluble unanimity between these brothers of
almost equal age, that does not feel that anything
could sooner have happened than that they should
have followed divergent views and fortunes? In
their wishes they were all with you; the storm
broke and swept away one; and if he had acted of
set purpose, he would but be like those whom you
have determined, in spite of all, to preserve. Granted 35
that he went to the war, granted that he differed
not from you alone, but from his brothers; these
your petitioners are your friends. When I was
active in all your interests, I remember how Titus
Ligarius in the capacity of urban quaestor [a] behaved
towards you and your great position. But these
memories of mine matter little; I trust that you
also, whose qualities of heart and head teach you
to forget nothing save your wrongs—that you, when
you let your memory dwell on certain other quaestors,
recollect something of his services to you when he
was quaestor. Titus Ligarius, then, whose only aim 36
at that time (for he could not foresee the present

studiosum et bonum virum iudicares, nunc a te supplex fratris salutem petit: quam huius admonitus officio cum utrisque his dederis, tris fratres optimos et integerrimos non solum sibi ipsos neque his tot talibus viris neque nobis necessariis tuis, sed etiam
37 rei publicae condonaveris. Fac igitur, quod de homine nobilissimo et clarissimo fecisti nuper in curia, nunc idem in foro de optimis et huic omni frequentiae probatissimis fratribus. Ut concessisti illum senatui, sic da hunc populo, cuius voluntatem carissimam semper habuisti, et, si ille dies tibi gloriosissimus, populo Romano gratissimus fuit, noli, obsecro, dubitare, C. Caesar, similem illi gloriae laudem quam saepissime quaerere. Nihil est tam populare quam bonitas, nulla de virtutibus tuis plurimis nec admirabilior nec gratior misericordia est.
38 Homines enim ad deos nulla re propius accedunt quam salutem hominibus dando; nihil habet nec fortuna tua maius quam ut possis, nec natura melius quam ut velis servare quam plurimos. Longiorem orationem causa forsitan postulet, tua certe natura breviorem. Qua re cum utilius esse arbitrer te ipsum quam me aut quemquam loqui tecum, finem iam faciam: tantum te admonebo, si illi absenti salutem dederis, praesentibus his omnibus te daturum.

[a] M. Marcellus.

[b] "And earthly power doth then show likest God's
When mercy seasons justice."
SHAKESPEARE, *Merchant of Venice.*

[c] The "Attic" terseness and restraint of this peroration is in pleasing contrast to the exaggerated passion which C. usually employs.

situation) was that you should deem him a patriot whose interest was to serve you, to-day humbly sues you for his brother's life. And when, prompted by his services to you, you have granted this to their united prayers, you will thereby make a gift of three excellent and irreproachable brothers not alone to themselves, to all these most worthy gentlemen, and to us your friends, but also to
the commonwealth. Repeat, then, to-day in the 37
forum towards excellent brothers who have won the approbation of all gathered here that act which you lately performed in the Senate-house towards a man of distinction and renown.[a] As you granted him to the Senate, so grant Ligarius to the people whose wishes you have ever held most dear; and if that day brought great glory to you and great joy to the people of Rome, have no hesitation, I beg you, Gaius Caesar, in earning on every possible occasion the title to a like glory. Nothing is so dear to the people as kindness, and none of your many high qualities arouses such admiration and such
pleasure as your compassion. For in nothing do 38
men more nearly approach divinity than in doing good to their fellow-men[b]; your situation has nothing prouder in it than the power, your character nothing in it more noble than the wish, to preserve all whom you can. The case might be held to call for a longer speech, your character to demand a briefer. Deeming it therefore more profitable that you yourself should speak rather than that I or anyone else should address you, I will now close, merely reminding you that in granting life to the absent Ligarius you will grant it to all these here present.[c]

THE SPEECH ON BEHALF OF KING DEIOTARUS

INTRODUCTION

Early in the third century B.C. Asia Minor was visited by one of those waves of Celtic invasion which for a millennium past had been periodically surging down upon Mediterranean lands, and which before another millennium had passed were to change the centre of gravity in Europe. A large body of them settled upon a tract in the heart of the peninsula, which received from them the name of Galatia. They gave Rome some trouble in the war against Antiochus, and were chastised in a punitive expedition led by Cn. Manlius in 189. The country was originally divided among three tribes, each of which was governed by four tetrarchs. But the aggression of Mithradates seems to have placed all the power in the hands of the most vigorous of these, Deiotarus, in about 80. For the thirty years following Deiotarus assisted a long succession of Roman generals; and his loyalty was rewarded not only by resolutions of the Senate, but by a substantial grant of territory made to him by Pompey after the death of Mithradates, and by official recognition of him as king of Armenia Minor. He put forces at Cicero's disposal when a Parthian invasion was expected in Cilicia in 51 (*Ad fam.* xv. 4); and it was to the king's son that Cicero entrusted his son and nephew, whom he had taken with him to the province (*Ad Att.* v. 17, 18).

After the outbreak of civil war Deiotarus joined Pompey, was with him at Pharsalia, and with him sailed to Lesbos, where he left him, promising to raise troops in Asia in the republican cause.

On returning to his kingdom, Deiotarus found that it was being ravaged by Pharnaces, son of Mithradates, and king of the Cimmerian Bosporus. He appealed for aid to Cn. Domitius Calvinus, who was holding Asia for Caesar, and put at his disposal two native legions trained and organized on the Roman system. Calvinus met and was defeated by Pharnaces at Nicopolis. In June 47 Caesar, having extricated himself from his perilous position in Alexandria, hastened to Asia, and was met by Deiotarus, who wore the garb of a suppliant. Deiotarus was pardoned and reinstated in his kingship, and with his remaining force helped Caesar to crush Pharnaces at Zela (Aug. 47). In the revision of frontiers which Caesar then proceeded to carry out, Deiotarus lost portions of his territory to Mithradates of Pergamum and to Ariobarzanes of Cappadocia.

Two years later Castor, Deiotarus's grandson, laid an accusation against his grandfather of having plotted to murder Caesar while he was entertaining him in his palace after Zela. Heitland suggests as a motive for the suit that "Caesar wanted an excuse to get rid of a chieftain whom he mistrusted, and whose dominions might form the centre of a rebellion while he was himself engaged with the Parthian war." [a] But, while not denying that such thoughts might have been present in Caesar's mind, we need look no farther for a motive than the dynastic

[a] *Roman Republic*, § 1284.

intrigues inseparable from an Oriental court. Deiotarus's rule rested on disputable foundations; we are told that, in order to secure inheritance for a favourite son, he put his other sons to death; and Suidas tells us that he afterwards had Castor murdered in revenge for this accusation.

Cicero alludes to the speech in a letter written to his son-in-law, Dolabella: "I find that after all I have with me my little speech for Deiotarus, for which you ask; so I send it to you. Read it, if you like, but please remember that it was a slight and insignificant affair, scarcely worth writing out. I wanted to pay a tribute to an old-time host and friend—coarse homespun, like his own gifts." [a]

Caesar deferred his decision. "He likes," writes Cicero to Ligarius, "to keep for long on tenterhooks people whom he thinks kept him for long in worry." [b] At the same time, suspense as to Caesar's intentions with regard to himself would keep Deiotarus on his best behaviour while Caesar prepared and carried out his expedition against Parthia designed for the following year. But "the dagger of Brutus proved more effective than the eloquence of Cicero." [c]

[a] *Ad fam.* ix. 12. [b] *Ad fam.* vi. 13.
[c] W. Y. Fausset, Introd. to this speech.

PRO REGE DEIOTARO AD C. CAESAREM ORATIO

1 I. Cum in omnibus causis gravioribus, C. Caesar, initio dicendi commoveri soleam vehementius, quam videtur vel usus vel aetas mea postulare, tum in hac causa ita me multa perturbant, ut, quantum mea fides studii mihi adferat ad salutem regis Deiotari defendendam, tantum facultatis timor detrahat. Primum dico pro capite fortunisque regis, quod ipsum, etsi non iniquum est in tuo dum taxat periculo, tamen est ita inusitatum, regem reum capitis esse, ut ante
2 hoc tempus non sit auditum; deinde eum regem, quem ornare antea cuncto cum senatu solebam pro perpetuis eius in nostram rem publicam meritis, nunc contra atrocissimum crimen cogor defendere. Accedit ut accusatorum alterius crudelitate, alterius indignitate conturber: crudelem Castorem, ne dicam sceleratum et impium, qui nepos avum in capitis

[a] Phidippus, the slave-physician; see §§ 17 *seq.*

THE SPEECH ON BEHALF OF KING DEIOTARUS

(Delivered before Caesar in his house, 45)

I. Though in all cases of more than ordinary 1
importance, Gaius Caesar, I am, when beginning to speak, usually more deeply moved than either my experience or my years would seem to warrant, in the present case I am harassed by so many considerations, that, in my task of upholding the interests of King Deiotarus, whatever readiness of speech I gain from my enthusiasm is counterbalanced by my fears. In the first place, I am pleading for the status and well-being of a king; and though the fact that his status should be endangered is not in itself unreasonable where danger to yourself is involved, it is none the less so extraordinary for a king to be standing trial for his life, as to be a situation unparalleled in history.
In the second place, the king whom I am to-day 2
called upon to defend against a shocking charge is one whom in the past, in conjunction with the whole Senate, I have repeatedly honoured for an unbroken series of services to our commonwealth. Add to this the fact that I am embarrassed by the brutality of one of the two accusers and by the unworthiness of the other.[a] How brutal—not to say criminal and unnatural—is Castor, who has im-

discrimen adduxerit adulescentiaeque suae terrorem intulerit ei, cuius senectutem tueri et tegere debebat, commendationemque ineuntis aetatis ab impietate et scelere duxerit; avi servum corruptum praemiis ad accusandum dominum impulerit, a legatorum
3 pedibus abduxerit. Fugitivi autem dominum accusantis et dominum absentem et dominum amicissimum nostrae rei publicae cum os videbam, cum verba audiebam, non tam adflictam regiam condicionem dolebam quam de fortunis communibus extimescebam. Nam cum more maiorum de servo in dominum ne tormentis quidem quaeri liceat, in qua quaestione dolor elicere veram vocem possit etiam ab invito, exortus est servus qui, quem in eculeo appellare non posset, eum accuset solutus.

4 II. Perturbat me, C. Caesar, etiam illud interdum, quod tamen cum te penitus recognovi, timere desino: re enim iniquum est, sed tua sapientia fit aequissimum: nam dicere apud eum de facinore, contra cuius vitam consilium facinoris inisse arguare, cum per se ipsum consideres, grave est; nemo enim fere est qui sui periculi iudex non sibi se aequiorem quam reo praebeat: sed tua, C. Caesar, praestans singularisque natura hunc mihi metum minuit. Non enim tam timeo quid tu de rege Deiotaro, quam

[a] *i.e.*, those sent by D. to Rome.

[b] *Cf. Pro Milone*, § 59, where the examination of a slave against his master is said to be "indignum et domini morte ipsa tristius."

perilled the life of his grandfather and levelled the threats of youthful bravado against one whose declining years he should have shielded and protected, who has sought by unnatural criminality to recommend his dawning manhood, and who has impelled his grandfather's misguided slave by bribes to accuse his master, having first lured him from the service of the ambassadors[a]! When I saw the brazen coun- 3
tenance and listened to the words of a runaway slave accusing his master—a master too who was absent, and who moreover was deeply attached to your commonwealth—I felt not so much grief for the king's downcast condition as anxiety for the general well-being. For while, according to the practice of our ancestors, it is illegal to seek evidence from a slave against his master[b] even under torture—a form of inquiry in which pain can draw truth even from the reluctant—a slave has been found ready, though unconstrained by bonds, to accuse one against whom he could not lay information upon the rack.

II. There is a further fact, Gaius Caesar, which 4
from time to time disturbs me, but which, whenever I reflect deeply upon your character, ceases to move my fear; in reality it is unfavourable, but your wisdom makes it most favourable. For to plead in regard to a crime before the very man against whose life you are charged with plotting that crime is, if considered by itself, a formidable task, for there is scarcely anyone who can sit in judgement upon a threat to his own life and not favour himself at the expense of the accused; but your unique and surpassing qualities, Caesar, lessen any such fear on my part. For I am not so much afraid of what will be your verdict on Deiotarus as I am conscious of what verdict you

5 intellego quid de te ceteros velis iudicare. Moveor
etiam loci ipsius insolentia, quod tantam causam,
quanta nulla umquam in disceptatione versata est,
dico intra domesticos parietes, dico extra conventum
et eam frequentiam, in qua oratorum studia niti
solent: in tuis oculis, in tuo ore voltuque acquiesco,
te unum intueor, ad te unum omnis mea spectat
oratio: quae mihi ad spem obtinendae veritatis
gravissima sunt, ad motum animi et ad omnem
6 impetum dicendi contentionemque leviora: hanc
enim, C. Caesar, causam si in foro dicerem eodem
audiente et disceptante te, quantam mihi alacritatem
populi Romani concursus adferret! Quis enim civis
ei regi non faveret, cuius omnem aetatem in populi
Romani bellis consumptam esse meminisset? Spec-
tarem curiam, intuerer forum, caelum denique tes-
tarer ipsum. Sic, cum et deorum immortalium et
populi Romani et senatus beneficia in regem Deio-
tarum recordarer, nullo modo mihi deesse posset
7 oratio. Quae quoniam angustiora parietes faciunt
actioque maximae causae debilitatur loco, tuum est,
Caesar, qui pro multis saepe dixisti, quid mihi nunc
animi sit, ad te ipsum referre, quo facilius cum
aequitas tua tum audiendi diligentia minuat hanc
perturbationem meam.

Sed ante quam de accusatione ipsa dico, de accusatorum spe pauca dicam; qui cum videantur

[a] Caesar had revived the old regal prerogative by which cases had been heard in the king's house.

would have others pass upon yourself. The unwonted 5
scene [a] of this trial, too, is not without its effect upon
me: a case of graver import than any that have
ever come under discussion is being pleaded by me
within the walls of a private dwelling, pleaded in
private session and aloof from the thronging audience
wherein the enthusiasm of the orator commonly finds
its support; under your eyes and in your features
I find my repose; you are all I have to look to; my
every word has regard to none save you; the same
circumstances which afford me the strongest hope of
establishing the truth, are less adapted to move the
emotions and to rouse the fire and fervour of eloquence.
Were I pleading this case in the forum, Gaius Caesar, 6
albeit with you to hear and you to weigh my words,
with what enthusiasm would the assembled people
of Rome inspire me! What citizen would not feel
kindly towards a king, remembering that his whole
life had been devoted to waging the wars of the
Roman people! I should have the Senate-house in
my view, the forum beneath my gaze, and heaven
itself would stand arbiter above. In such surround-
ings, recalling the kindnesses of the immortal gods
and of the people and Senate of Rome to King Deio-
tarus, it would be impossible for my speech to falter.
But since my powers are cribbed and cabined within 7
these walls, and since my advocacy in this most
important cause is crippled by its environment, it is
for you, Caesar, who have spoken in defence of so
many, to judge of my present feelings by your own,
that so your careful attention, as well as your im-
partiality, may the better mitigate this my em-
barrassment.

But before I speak about the accusation itself, I will say a few words about the hopes of the accusers,

nec ingenio nec usu atque exercitatione rerum valere, tamen ad hanc causam non sine aliqua spe et cogita-
8 tione venerunt. III. Iratum te regi Deiotaro fuisse non erant nescii; adfectum illum quibusdam incommodis et detrimentis propter offensionem animi tui meminerant, teque cum huic iratum, tum sibi amicum esse cognoverant, cumque apud ipsum te de tuo periculo dicerent, fore putabant ut in exulcerato animo facile fictum crimen insideret. Quam ob rem hoc nos primum metu, Caesar, per fidem et constantiam et clementiam tuam libera, ne residere in te ullam partem iracundiae suspicemur. Per dexteram istam te oro, quam regi Deiotaro hospes hospiti porrexisti, istam, inquam, dexteram non tam in bellis neque in proeliis quam in promissis et fide firmiorem. Tu illius domum inire, tu vetus hospitium renovare voluisti; te eius di penates acceperunt, te amicum et placatum Deiotari regis arae focique viderunt.
9 Cum facile orari, Caesar, tum semel exorari soles. Nemo umquam te placavit inimicus, qui ullas resedisse in te simultatis reliquias senserit. Quamquam cui sunt inauditae cum Deiotaro querellae tuae? Numquam tu illum accusavisti ut hostem, sed ut amicum officio parum functum, quod propensior in Cn. Pompeii amicitiam fuisset quam in tuam: cui tamen

[a] By curtailment of his territory; see Introd.

who, though to all appearances without qualifications of talent, experience, and practice, cannot have entered upon this case without some hope or some reflection.
III. Your displeasure with King Deiotarus was not 8
lost upon them; they remembered that your irritation had involved him in some measure of loss [a] and inconvenience; they knew that you were offended with him, and at the same time well-disposed to themselves; and, speaking as they would be in your presence upon a danger that threatened you, they imagined that a fictitious charge would find a ready lodgement in an inflamed mind. By your honour, consistency, and clemency, therefore, Caesar, free us from this fear first, that we may have no misgivings that any particle of resentment lingers in your heart. I ask it by the right hand of hospitality which you have extended to King Deiotarus, as you have grasped his in return, a right hand no less steadfast in promises and pledges than in wars and encounters. You deigned to enter his house and to renew the ancient bond subsisting between you; you were welcomed by his household gods; it was as a friend whose anger was appeased that the altars
and hearths of King Deiotarus saw you. Not only 9
are you accessible to prayers, Caesar, but once you have granted a prayer the matter is at an end. No enemy has ever won his way to your good graces and found that any embers of animosity yet smouldered within you. And yet who is there who is unacquainted with your grievances against Deiotarus? Never did you accuse him as a foe, but as a friend who had failed in his duty, on the ground that he had leant more to the friendship of Gnaeus Pompeius than to your own; and yet even this offence you declared

ipsi rei veniam te daturum fuisse dicebas, si tantum auxilia Pompeio, vel si etiam filium misisset, ipse
10 aetatis excusatione usus esset. Ita cum maximis eum rebus liberares, perparvam amicitiae culpam relinquebas; itaque non solum in eum non animadvertisti, sed omni metu liberavisti, hospitem agnovisti, regem reliquisti. Neque enim ille odio tui progressus, sed errore communi lapsus est. Is rex, quem senatus hoc nomine saepe honorificentissimis decretis appellavisset, quique illum ordinem ab adulescentia gravissimum sanctissimumque duxisset, isdem rebus est perturbatus homo longinquus et alienigena, quibus nos in media re publica nati
11 semperque versati: IV. cum audiret senatus consentientis auctoritate arma sumpta, consulibus, praetoribus, tribunis plebis, nobis imperatoribus rem publicam defendendam datam, movebatur animo et vir huic imperio amicissimus de salute populi Romani extimescebat, in qua etiam suam esse inclusam videbat: in summo tamen timore quiescendum esse arbitrabatur. Maxime vero perturbatus est, ut audivit, consules ex Italia profugisse omnisque consularis—sic enim ei nuntiabatur,—cunctum senatum, totam Italiam effusam: talibus enim nuntiis et rumoribus patebat ad orientem via nec ulli veri subsequebantur. Nihil ille de condicionibus tuis, nihil de studio concordiae et pacis, nihil de con-

[a] C. had been saluted as *Imperator* by his troops in Cilicia for successes over mountain tribes, but did not get his triumph until 47.

that you would have overlooked had he merely sent aid to Pompeius, or even had he sent his son and himself pleaded advanced years in excuse. In this 10
way, while acquitting him of the main ground of offence, you left only some slight imputation against him on the score of private friendship. Accordingly, not merely did you not punish him, but you freed him from all apprehension, recognized him as your host, and left him a king. Indeed his proceedings were not due to hatred of you; he did but share the universal delusion. A king whom the Senate had often addressed as such in complimentary decrees, and who from his youth had always deemed that body a model of dignity and honour, was utterly confused—a foreigner in a far-off country—by the same events which affected us who were born and had ever lived at the heart of the commonwealth. IV. Hearing that 11
with the official countenance of a unanimous Senate recourse had been had to arms, and that to the consuls, the praetors, the tribunes of the plebs, and to us generals[a] the defence of the state had been assigned, he was profoundly stirred, and, as a close friend of this empire, feared for the welfare of the Roman people with which he realized that his own was involved. Still, deeply apprehensive as he was, he thought it best to remain inactive. But his perturbation reached its height when he learned that the consuls and all the ex-consuls had fled from Italy (for such was the intelligence he received), and that the whole Senate and all Italy were scattered to the four winds. The road to the East was open to such messages and rumours, and they were not followed up by any true intelligence. He heard nothing of your terms, nothing of your efforts towards harmony and peace,

spiratione audiebat certorum hominum contra dignitatem tuam. Quae cum ita essent, tamen usque eo se tenuit, quoad a Cn. Pompeio ad eum legati
12 litteraeque venerunt. Ignosce, ignosce, Caesar, si eius viri auctoritati rex Deiotarus cessit, quem nos omnes secuti sumus; ad quem cum di atque homines omnia ornamenta congessissent, tum tu ipse plurima et maxima. Neque enim, si tuae res gestae ceterorum laudibus obscuritatem attulerunt, idcirco Cn. Pompeii memoriam amisimus. Quantum nomen illius fuerit, quantae opes, quanta in omni genere bellorum gloria, quanti honores populi Romani, quanti senatus, quanti tui, quis ignorat? Tanto ille superiores vicerat gloria, quanto tu omnibus praestitisti; itaque Cn. Pompeii bella, victorias, triumphos, consulatus admirantes numerabamus: tuos enumerare non
13 possumus. V. Ad eum igitur rex Deiotarus venit hoc misero fatalique bello, quem antea iustis hostilibusque bellis adiuverat, quocum erat non hospitio solum, verum etiam familiaritate coniunctus, et venit vel rogatus ut amicus, vel arcessitus ut socius, vel evocatus ut is, qui senatui parere didicisset: postremo venit ut ad fugientem, non ut ad insequentem, id est ad periculi, non ad victoriae societatem. Itaque Pharsalico proelio facto a Pompeio discessit; spem infinitam persequi noluit; vel officio, si quid debuerat, vel errori, si quid nescierat, satis factum esse duxit; domum se contulit, teque Alexandrinum bellum

[a] *e.g.*, C. Marcellus, L. Lentulus, M. Cato, and others.

[b] Caesar was besieged in A. for six months in 48—a situation depicted by Mr. G. B. Shaw in *Caesar and Cleopatra*.

nothing of the conspiracy against your authority formed by certain persons.[a] In spite of all this he held his hand until delegates and dispatches came to him from Gnaeus Pompeius. Pardon him, pardon 12
him, Caesar, if King Deiotarus bowed to the eminence of a man whom we all followed, upon whom all distinctions had been showered by gods and men, and by none more and greater than by yourself. For, if your achievements have cast into the shade the glories of all the world beside, we have not for that reason forgotten the name of Gnaeus Pompeius. Of the greatness of his name, of his wealth, of his renown in every kind of warfare, of the honours he received from the Roman people, the Senate, and yourself, who is ignorant? He had surpassed his predecessors in renown as far as you have excelled all men. So we numbered with admiration the wars, victories, triumphs, consulates of Gnaeus Pompeius: yours we cannot number. V. In this deplorable and ill-starred 13
war, then, King Deiotarus came to one whom he had erstwhile aided in legitimate wars against a foreign foe, one with whom he was linked by the bond not of hospitality alone but of intimacy; he came at the request of a friend or, if you will, at the summons of an ally, or at the bidding of a Senate whom he had learnt to obey; last of all, he came as to a fugitive, not as to a pursuer, to participation, that is to say, in peril and not in triumph. So after the battle of Pharsalus he renounced Pompeius; he would not follow to the bitter end a hope to which he saw no issue; he felt that he had satisfied the claims of duty, if duty he had owed, or of delusion, if deluded he had been; he betook himself homewards, and while you were waging the Alexandrian war[b] he furthered

14 gerente utilitatibus tuis paruit. Ille exercitum Cn. Domitii, amplissimi viri, suis tectis et copiis sustentavit; ille Ephesum ad eum, quem tu ex tuis fidelissimum et probatissimum omnibus delegisti, pecuniam misit; ille iterum, ille tertio auctionibus factis pecuniam dedit, qua ad bellum uterere; ille corpus suum periculo obiecit, tecumque in acie contra Pharnacem fuit tuumque hostem esse duxit suum. Quae quidem a te in eam partem accepta sunt, Caesar, ut eum amplissimo regis honore et nomine adfeceris.

15 Is igitur non modo a te periculo liberatus, sed etiam honore amplissimo ornatus, arguitur domi te suae interficere voluisse: quod tu, nisi eum furiosissimum iudicas, suspicari profecto non potes. Ut enim omittam cuius tanti sceleris fuerit in conspectu deorum penatium necare hospitem, cuius tantae importunitatis omnium gentium atque omnis memoriae clarissimum lumen exstinguere, cuius tantae ferocitatis victorem orbis terrarum non extimescere, cuius tam inhumani et ingrati animi, a quo rex appellatus esset, in eo tyrannum inveniri—ut haec omittam, cuius tanti furoris fuit, omnis reges, quorum multi erant finitimi, omnis liberos populos, omnis socios, omnis provincias, omnia denique omnium arma contra se unum excitare? Quonam ille modo cum regno, cum domo, cum coniuge, cum carissimo filio distractus esset, tanto scelere non modo perfecto,

16 sed etiam cogitato? VI. At, credo, haec homo inconsultus et temerarius non videbat. Quis con-

[a] See Introd.

[b] Possibly Sextus Caesar, then governor of Syria.

your interests. He it was who aided with shelter 14 and supplies the army of the brave Gnaeus Domitius[a]; he sent funds to Ephesus to one whom you selected as the most loyal and respected out of all your adherents[b]; he it was who, after holding two, nay three, auctions, contributed to your war funds; he it was who exposed his person to peril, fought at your side in the field against Pharnaces,[a] and deemed your enemy his own. And such, Caesar, was the spirit in which you accepted these services that you conferred upon him the proud honour and title of King.

This man, then, who was not merely freed by you 15 from peril but advanced to the highest dignity, is accused of having desired to murder you in his house; a suspicion which, unless you deem him an utter madman, you assuredly cannot entertain. For, not to advert to the monstrous wickedness of slaying a guest in the sight of the household gods, the utter insensibility of extinguishing the fairest light of all nations and all history, the gross brutality of feeling no reverence for the vanquisher of the world, and the inhumanity and ingratitude of behaving like a tyrant towards one by whom he had been entitled King—not to advert, I say, to all this, what sheer lunacy did it argue that he should rouse against his single self all kings, many of whom were his neighbours, all free peoples, all the allies, all the provinces, in a word all the arms of all the world! How he would have been torn in pieces along with his realm, his house, his wife, and his beloved son, had he I will not say committed, but so much as dreamed of so dire a crime! VI. Perhaps I shall be told that he 16 was so blind, so hot-headed, that he failed to see this. Nay, but who was more circumspect than he?

sideratior illo? Quis tectior[1]? Quis prudentior? Quamquam hoc loco Deiotarum non tam ingenio et prudentia quam fide et religione vitae defendendum puto. Nota tibi est hominis probitas, C. Caesar, noti mores, nota constantia. Cui porro, qui modo populi Romani nomen audivit, Deiotari integritas, gravitas, virtus, fides non audita est? Quod igitur facinus nec in hominem imprudentem caderet propter metum praesentis exitii, nec in facinorosum, nisi esset idem amentissimus, id vos et a viro optimo et ab homine
17 minime stulto cogitatum esse confingitis? At quam non modo non credibiliter, sed ne suspitiose quidem! "Cum" inquit "in castellum Blucium[2] venisses et domum regis, hospitis tui, devertisses, locus erat quidam, in quo erant ea composita, quibus te rex munerari constituerat: huc te e balneo, prius quam accumberes, ducere volebat; erant enim armati, qui te interficerent, in eo ipso loco conlocati." En crimen, en causa, cur regem fugitivus, dominum servus accuset. Ego me hercules, Caesar, initio, cum est ad me ista causa delata, Phidippum medicum, servum regium, qui cum legatis missus esset, ab isto adulescente esse corruptum, hac sum suspitione percussus: medicum indicem subornavit; finget videlicet aliquod crimen veneni. Etsi a veritate

[1] rectior *some MSS.*

[2] Luceium *MSS., and in* § 21: *emended by edd. to* Blucium . . . Peium *to agree with Strabo xii. 5. 2.*

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[a] *i.e.*, the prosecutors. [b] *i.e.*, Castor.

who more guarded? who more sagacious? although in this place I think that it is not so much in his intelligence or in his wisdom as in his loyalty and conscientiousness that Deiotarus should find his defence. You know his uprightness, Gaius Caesar, you know his character, you know his steadfastness of purpose. Nay, who indeed, who has but heard the name of the Roman people, has not heard of the incorruptibility, the dignity, the courage, the loyalty, of Deiotarus? Do *you* [a] then pretend that a crime such as any blind fool must be deemed incapable of committing through fear of immediate ruin, or any villain unless he was at the same time demented, was devised by one of the best of men who was very far removed
from an idiot? But how far is your allegation not 17
merely from carrying conviction, but even from arousing suspicion! "When," says the prosecutor, "you had arrived at the fort at Blucium and had taken up your abode in the house of your royal host, there was an apartment in which had been arranged the gifts which the king had decided to present to you. Hither he would fain have conducted you from the bath before you took your place at table; for in that very apartment there were armed men posted to slay you." Here we have the charge, here the ground which has induced a runaway to arraign his king, a slave his lord. Upon my word, Gaius Caesar, when first I was asked to undertake this case the suspicion that struck me was this: "Our young friend [b] has suborned Phidippus the physician, a slave of the king who had been sent with the delegates; he has bribed the physician to give evidence; he will no doubt trump up some charge of poisoning." My conjecture, although it was a good distance from

longe, tamen a consuetudine criminandi non multum
18 res abhorrebat. Quid ait medicus ? Nihil de veneno.
At id fieri potuit primum occultius in potione, in cibo; deinde etiam impunius fit, quod cum est factum, negari potest. Si palam te interemisset, omnium in se gentium non solum odia, sed etiam arma convertisset: si veneno, Iovis ille quidem hospitalis numen numquam celare potuisset, homines fortasse celasset. Quod igitur et conari occultius et efficere cautius potuit, id tibi et medico callido et servo, ut putabat, fideli, non credidit: de armis, de
19 ferro, de insidiis celare te noluit? At quam festive
crimen contexitur! "Tua te" inquit "eadem, quae saepe, fortuna servavit: negavisti tum te inspicere velle." VII. Quid postea? An Deiotarus, re illo tempore non perfecta, continuo dimisit exercitum? Nullus erat alius insidiandi locus? At eodem te, cum cenavisses, rediturum dixeras, itaque fecisti. Horam unam aut duas eodem loco armatos, ut conlocati fuerant, retinere magnum fuit? Cum in convivio comiter et iucunde fuisses, tum illuc isti, ut dixeras: quo in loco Deiotarum talem erga te cognovisti, qualis rex Attalus in P. Africanum fuit, cui magnificentissima dona, ut scriptum legimus, usque ad Numantiam misit ex Asia, quae Africanus in-

[a] C. addresses Phidippus.
[b] *i.e.*, Caesar.
[c] Sarcastic grandiloquence.
[d] Antiochus, according to Livy, *Epit.* 57.

the truth, was not far wrong as regards the common
practice of accusers. What says the physician? Not 18
a word of poison. But in the first place this might have been dropped into his drink or food with less chance of detection; in the second place, with even less danger of punishment, because when it is done it can be denied. Had he slain you openly, he would have turned against himself not only the hate but also the arms of all nations; had he done the deed by poison, he would indeed never have been able to conceal the act from Jupiter the patron of hospitality, but from his fellow-men he might perhaps have concealed it. A scheme, then, which he might have attempted more secretly and carried out more covertly he never confided to you,[a] an expert physician and, as he thought, a faithful slave; and yet he did not wish to conceal from you a con-
spiracy of armed violence. A prettily concocted 19
charge indeed! "You[b] were saved," says he, "by the good luck which invariably attends you; you said you would not inspect the presents just then." VII. And what of the sequel? Did King Deiotarus, baulked for the moment, straightway disband his forces?[c] Was there no other place where he could post an ambush? But you[b] had said that you would return thither when you had dined; and so you did. Would it have been so difficult to retain the armed men in their original place of concealment for an hour or two? After behaving affably and pleasantly at table you went there, as you had said you would; and there you found that Deiotarus treated you exactly as King Attalus[d] treated Publius Africanus, to whom, as history tells us, he sent magnificent presents all the way from Asia to Numantia, and

spectante exercitu accepit; quod cum praesens Deiotarus regio et animo et more fecisset, tu in
20 cubiculum discessisti. Obsecro, Caesar, repete illius temporis memoriam, pone illum ante oculos diem, voltus hominum te intuentium atque admirantium recordare: num quae trepidatio? Num qui tumultus? Num quid nisi modeste, nisi quiete, nisi ex hominis gravissimi et sanctissimi disciplina? Quid igitur causae excogitari potest cur te lautum voluerit,
21 cenatum noluerit occidere? "In posterum" inquit "diem distulit, ut, cum in castellum Blucium[1] ventum esset, ibi cogitata perficeret." Non video causam mutandi loci, sed tamen acta res criminose est. "Cum" inquit "vomere post cenam te velle dixisses, in balneum te ducere coeperunt: ibi enim erant insidiae. At te eadem tua fortuna servavit: in cubiculo malle dixisti." Di te perduint, fugitive! Ita non modo nequam et improbus, sed fatuus et amens es. Quid? Ille signa aenea in insidiis posuerat, quae e balneo in cubiculum transferri non possent?

Habes crimina insidiarum: nihil enim dixit amplius. "Horum" inquit "eram conscius." Quid tum? Ita ille demens erat, ut eum, quem conscium tanti sceleris haberet, a se dimitteret? Romam etiam mitteret, ubi et inimicissimum sciret esse nepotem

[1] *See crit. note*, § 17.

Africanus accepted them in full view of his troops. When Deiotarus in person had shown this regal temper and behaviour, you retired to rest. I beg of 20
you, Caesar, to recall the occasion; conjure up the memory of that day; recollect the admiring eyes that gazed upon you. Was any sign of excitement or disorder betrayed? Was there aught save decorum and repose, aught out of keeping with the habits of a grave and upright man? Can any motive be conceived that can have tempted him to murder you after your bath, but made him disinclined to do so after your dinner? "He deferred the business," 21
says our friend, "until the following day; he intended to await your arrival at the fort of Blucium, and there put his plan into execution." I fail to see any motive for this change of place, but all the same the circumstances *are* suspicious.[a] When, so we are told, you expressed a desire to vomit[b] after dinner, they proceeded to conduct you to the bathroom; for there the ambush was posted. But your "good luck" once again preserved you; you said you preferred to retire to your apartment. Perdition seize you, Master Runaway! not content with being a worthless scoundrel, you must also be a drivelling idiot! They were brazen statues he had posted in ambush, were they, and it was quite out of the question to transfer them from the bathroom to the bedroom?

Here then you have the charge as to the ambush; for this was all he said. "To all this," says he, "I was privy." What do you mean? That Deiotarus was lunatic enough to allow one whom he had made privy to a heinous crime to pass out of his control? Nay, that he actually sent him to Rome, where he knew was the grandson who so bitterly hated him,

[a] Sarcastic.
[b] For another reference to this habit of Caesar's (where it is implied that it was by doctor's orders) see *Ad Att.* xiii. 52.

suum et C. Caesarem, cui fecisset insidias? Praesertim cum is unus esset qui posset de absente se
22 indicare? "Et fratres meos," inquit "quod erant conscii, in vincula coniecit." Cum igitur eos vinciret, quos secum habebat, te solutum Romam mittebat, qui eadem scires, quae illos scire dicis?

VIII. Reliqua pars accusationis duplex fuit: una regem semper in speculis fuisse, cum a te esset animo alieno, altera exercitum eum contra te magnum comparasse. De exercitu dicam breviter, ut cetera. Numquam eas copias rex Deiotarus habuit, quibus inferre bellum populo Romano posset, sed quibus finis suos ab excursionibus et latrociniis tueretur et imperatoribus nostris auxilia mitteret. Atque antea quidem maiores copias alere poterat; nunc exiguas
23 vix tueri potest. At misit ad Caecilium nescio quem: sed eos, quos misit, quod ire noluerunt, in vincula coniecit. Non quaero quam veri simile sit aut habuisse regem quos mitteret aut eos, quos misisset, non paruisse, aut, qui dicto audientes in tanta re non fuissent, eos vinctos potius quam necatos. Sed tamen cum ad Caecilium mittebat, utrum causam illam victam esse nesciebat an Caecilium istum magnum hominem putabat? Quem profecto is, qui optime nostros homines novit, vel quia non nosset vel si nosset, con-
24 temneret. Addit etiam illud, equites non optimos

[a] *i.e.*, for a chance of murdering Caesar.

[b] Q. C. Bassus, a Pompeian, incited the legions in Syria to mutiny against Sex. Caesar, and maintained himself there until after Caesar's death.

and Gaius Caesar against whom he had plotted? and that too when this fellow was the one man alive who could lay an information against him behind his
back? "Yes, and he threw my brothers into prison," 22
says he, "because they also were privy." So then he imprisoned the men whom he had with him, while you, who possessed the same knowledge as you allege that they possessed, he allowed to go unconstrained to Rome!

VIII. The remainder of the accusation fell under two heads: one, that the king was always on the look-out,[a] since he was ill-disposed towards you; the other, that he raised a large army against you. With the army I will deal as briefly as with my other heads. King Deiotarus never had forces sufficient to make an attack upon the Roman people, but only to protect his territories against raids and brigandage and to send assistance to our generals. Then, too, while previously he could maintain larger forces, now he can scarce support his mere
handful. "Oh, but he sent forces to someone or 23
other called Caecilius,[b] but threw those whom he sent into prison, because they wouldn't go." I do not ask how likely it is either that the king had troops to send, or that those whom he sent disobeyed him, or that those who showed insubordination in so grave a matter were imprisoned rather than put to death. Still, when he sent to Caecilius, was he unaware that the Pompeian cause was lost, or did he think that this Caecilius was a great man? Why, surely, with his excellent knowledge of our countrymen, Deiotarus would have thought little of Caecilius, either because he did not know him or if he *had* known
him. The prosecutor adds a further charge—that 24

misisse. Credo, Caesar, nihil ad tuum equitatum, sed misit ex eis, quos habuit, electos. Ait nescio quem ex eo numero servum iudicatum. Non arbitror, non audivi: sed in eo, etiam si accidisset, culpam regis nullam fuisse arbitrarer.

IX. Alieno autem a te animo fuit quo modo? Speravit, credo, difficilis tibi Alexandriae fore exitus propter regionis naturam et fluminis. At eo tempore ipso pecuniam dedit, exercitum aluit, ei, quem Asiae praefeceras, in nulla re defuit; tibi victori non solum ad hospitium, sed ad periculum etiam atque ad aciem
25 praesto fuit. Secutum est bellum Africanum: graves de te rumores, qui etiam furiosum illum Caecilium excitaverunt. Quo tum rex animo fuit? Qui auctionatus sit seseque spoliare maluerit quam tibi pecuniam non subministrare. "At eo" inquit "tempore ipso Nicaeam Ephesumque mittebat qui rumores Africanos exciperent et celeriter ad se referrent: itaque cum esset ei nuntiatum Domitium naufragio perisse, te in castello circumsederi, de Domitio dixit versum Graecum eadem sententia, qua etiam nos habemus Latinum:

> pereant amici, dum inimici una intercidant."

Quod ille, si esset tibi inimicissimus, numquam tamen

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[a] And therefore incapable (ordinarily) of military service.
[b] See § 13 note.
[c] ἐρρέτω φίλος σὺν ἐχθρῷ (author unknown). After Zela Domitius had been left by Caesar in Asia, whence he sailed to join him in Africa.

the cavalry Deiotarus sent to Caesar were of poor quality. I can well believe, Caesar, that they were nothing compared with your cavalry; but he sent the very pick of those at his disposal. He alleges that some member of the force was convicted of being a slave.[a] I do not think so; I have heard nothing of it; but even had it been so, I should not consider that the king was at all to blame in the matter.

IX. And his "ill-disposition" towards you—how did he show that? I gather that he hoped that the situation of Alexandria[b] and its river would make it difficult for you to extricate yourself from that town. But at that very time he gave you funds and maintained an army of yours; he did all he could to help your lieutenant in charge of Asia; after your victory he not only offered you hospitality but
risked personal service in the field. There followed the 25
war in Africa. There were grave rumours about you—the same that roused that madman Caecilius. What *was* the king's disposition at that time, seeing that he put his goods up to auction and preferred to despoil himself rather than fail to furnish you with funds? But it is alleged that at that very time he was sending men to Nicaea and Ephesus to pick up rumours from Africa and report them promptly to him. Accordingly when he received intelligence that Domitius had perished in a shipwreck, while you were straitly beset in a fortress, he quoted with reference to Domitius a line of Greek poetry to the same effect as one we have in Latin:

> Perish our friends, so foes may die withal![c]

But he never would have quoted such a line, even had he been your bitterest foe; for *he* was civilized,

dixisset: ipse enim mansuetus, versus immanis. Qui autem Domitio poterat esse amicus, qui tibi esset inimicus? Tibi porro inimicus cur esset, a quo cum vel interfici belli lege potuisset, regem et se et filium suum constitutos esse meminisset?

26 Quid deinde? Furcifer quo progreditur? Ait hac laetitia Deiotarum elatum vino se obruisse in convivioque nudum saltavisse. Quae crux huic fugitivo potest satis supplicii adferre? Deiotarum saltantem quisquam aut ebrium vidit umquam? Omnes in illo sunt rege virtutes, quod te, Caesar, ignorare non arbitror, sed praecipue singularis et admiranda frugalitas: etsi hoc verbo scio laudari regem non solere; frugi hominem dici non multum habet laudis in rege: fortem, iustum, severum, gravem, magnanimum, largum, beneficum, liberalem: hae sunt regiae laudes, illa privata est. Ut volet quisque, accipiat: ego tamen frugalitatem, id est modestiam et temperantiam, virtutem maximam iudico. Haec in illo est ab ineunte aetate cum a cuncta Asia, cum a magistratibus legatisque nostris, tum ab equitibus Romanis, qui in Asia negotiati sunt, perspecta et
27 cognita. Multis ille quidem gradibus officiorum erga rem publicam nostram ad hoc regium nomen ascendit; sed tamen quicquid a bellis populi Romani vacabat,

[a] C. explains this word in *Tusc.* iii. 16 as equivalent to σωφροσύνῃ, the government of the passions. The kingly virtues enumerated in the next sentence are carefully chosen as those which distinguished Caesar himself.

while the line is barbarous. And how could he have been a friend to Domitius, when he was a foe to you? And, furthermore, why should he have been a foe to you, when you might, by the rights of war, have had him put to death, and when, as he must have remembered, both himself and his son had been established as kings by you?

And what next? What is the next assertion of 26
this gallows-bird? He says that Deiotarus, elated by the glee which this news inspired, fuddled himself with wine and danced naked at a banquet. Can the cross inflict adequate torture upon this runaway? Has anyone ever seen Deiotarus either drunk or dancing? This king is an exemplar of all the virtues, as I think you, Caesar, know well enough; but in nothing is he more remarkable and more admirable than in his sobriety[a]; although I know that kings are not commonly praised in such terms. To be called a sober person does not convey much commendation to a king. Bravery, justice, earnestness, dignity, magnanimity, liberality, kindliness, generosity—these are the qualities we commend in a king; sobriety in a subject. Everyone is free to put what construction he pleases upon my words; none the less I pronounce sobriety, by which I mean moderation and temperance, to be the highest of virtues. His possession of this virtue from his earliest youth was recognized and attested not only by the whole of Asia and by our magistrates and ambassadors, but also by the Roman knights who carried on business in Asia. It is true that by a 27
long series of services to our state he has reached the title of royalty; but none the less such leisure as he could spare from fighting the wars of the Roman

cum hominibus nostris consuetudines, amicitias, res rationesque iungebat, ut non solum tetrarches nobilis, sed etiam optimus pater familias et diligentissimus agricola et pecuarius haberetur. Qui igitur adulescens, nondum tanta gloria praeditus, nihil umquam nisi severissime et gravissime fecerit, is ea existimatione eaque aetate saltavit?

28 X. Imitari, Castor, potius avi mores disciplinamque debebas quam optimo et clarissimo viro fugitivi ore male dicere. Quod si saltatorem avum habuisses neque eum virum, unde pudoris pudicitiaeque exempla peterentur, tamen hoc maledictum minime in illam aetatem conveniret. Quibus ille studiis ab ineunte aetate se imbuerat, non saltandi, sed bene ut armis, optime ut equis uteretur, ea tamen illum cuncta iam exacta aetate defecerant. Itaque Deiotarum cum plures in equum sustulissent, quod haerere in eo senex posset, admirari solebamus: hic vero adulescens, qui meus in Cilicia miles, in Graecia commilito fuit, cum in illo nostro exercitu equitaret cum suis delectis equitibus, quos una cum eo ad Pompeium pater miserat, quos concursus facere solebat! Quam se iactare, quam ostentare, quam nemini in illa causa studio et cupiditate concedere!

29 Cum vero exercitu amisso ego, qui pacis semper auctor fui, post Pharsalicum proelium suasor fuissem armorum non deponendorum, sed abiciendorum,

[a] D. had originally been tetrarch (*i.e.*, ruler of one-fourth) of the Tolistoboii, a tribe of W. Galatia.

[b] When C. was proconsul there.

[c] *i.e.*, under Pompey.

people he filled with such friendly intercourse and such commercial transactions with our fellow-countrymen as won for him the reputation not only of a distinguished tetrarch,[a] but of an excellent family-man, and an industrious farmer and stock-raiser. As a youth, not yet crowned with the laurels which he was later to win, his every act was exemplary in gravity and dignity; and did he, with his reputation and at his years, *dance*?

X. It would have been more becoming in you, 28
Castor, to model yourself upon the character and principles of your grandfather than to malign a good and noble man through the lips of a runaway. But even had you possessed a grandfather who was a dancer, instead of a man to whom one might look for an ideal of honour and propriety, even so such slanders would be ill applied to a man of his years. The pursuits to which he had trained himself from youth up—not dancing, but skill as a man-at-arms and proficiency in horsemanship—these had now in the evening of his days all passed from him. So, though it took more than one man to lift Deiotarus into the saddle, we used to wonder that a man of his years could keep so firm a seat there. But this youth, who served in my army in Cilicia[b] and was my fellow-soldier in Greece[c]—what a fuss he would make, prancing amid our troops at the head of the picked cavalry whom his father had sent with him to help Pompeius! How big were his words, how insolent his bearing, yielding to none in zeal and ardour for the cause! But when the army had been lost, and 29
when I, who always gave my voice for peace, had urged after the battle of Pharsalus that arms should be not laid down but cast away, I was unable to

hunc ad meam auctoritatem non potui adducere, quod et ipse ardebat studio illius belli et patri satis faciendum esse arbitrabatur. Felix ista domus quae non impunitatem solum adepta sit, sed etiam accusandi licentiam: calamitosus Deiotarus qui, quod in eisdem castris fuerit, non modo apud te, sed etiam a suis accusetur! Vos vestra secunda fortuna, Castor, non potestis sine propinquorum calamitate esse contenti?

30 XI. Sint sane inimicitiae, quae esse non debebant —rex enim Deiotarus vestram familiam abiectam et obscuram e tenebris in lucem evocavit: quis tuum patrem antea, quis esset, quam cuius gener esset, audivit?—sed quamvis ingrate et impie necessitudinis nomen repudiaretis, tamen inimicitias hominum more gerere poteratis, non ficto crimine insectari, non expetere vitam, non capitis arcessere. Esto: concedatur haec quoque acerbitas et odii magnitudo: adeone, ut omnia vitae salutisque communis atque etiam humanitatis iura violentur? Servum sollicitare verbis, spe promissisque corrumpere, abducere domum, contra dominum armare, hoc est non uni propinquo, sed omnibus familiis nefarium bellum indicere; nam ista corruptela servi si non modo impunita fuerit, sed etiam a tanta auctoritate approbata, nulli parietes nostram salutem, nullae leges,

convert him to my views, for not only was he on fire with zeal for the war, but considered that he must satisfy his father's claims upon him. Happy indeed is your house, which has won not merely impunity but even unrestrained licence in impeachment; and unhappy is Deiotarus your victim, for he is impeached by one who served under the same banner, impeached too not only in your presence, Caesar, but by his own flesh and blood. Can you and your associates, Castor, not rest content in your prosperity? Must you also involve your kinsmen in ruin?

XI. Grant that these feuds existed—they had no 30 business to exist, for it was King Deiotarus who called your family into the light when it lay in the darkness of despised obscurity; who had ever heard who your father was until he became some one's son-in-law?—still, however ungratefully and unnaturally you repudiated the title of kinship, you might yet have carried on your feuds like gentlemen, instead of dogging him with a trumped-up charge, thirsting for his life-blood, and arraigning him on a capital offence. Well, let us even allow that you are justified in carrying your acrimony and hatred to this unconscionable length; can we extend your licence to the violation of every law of life, of general well-being, and even of humanity? To unsettle by your suggestions the loyalty of a slave, to seduce him by promises and expectations, to inveigle him to your home, to arm him against his master—this is to declare an unholy war not against a single kinsman but against every household. For if your corruption of a slave should not merely pass unpunished, but should have the seal of approbation set upon it in so high a quarter, no walls, no laws, no privileges will guard our security.

nulla iura custodient. Ubi enim id, quod intus est atque nostrum, impune evolare potest contraque nos pugnare, fit in dominatu servitus, in servitute
31 dominatus. O tempora, o mores! Cn. Domitius ille, quem nos pueri consulem, censorem, pontificem maximum vidimus, cum tribunus plebis M. Scaurum principem civitatis in iudicium populi vocavisset Scaurique servus ad eum clam domum venisset et crimina in dominum delaturum se esse dixisset, prehendi hominem iussit ad Scaurumque deduci. Vide quid intersit, etsi inique Castorem cum Domitio comparo: sed tamen ille inimico servum remisit, tu ab avo abduxisti; ille incorruptum audire noluit, tu corrupisti; ille adiutorem servum contra dominum
32 repudiavit, tu etiam accusatorem adhibuisti. At semel iste est corruptus a vobis. Nonne, cum esset productus et cum tecum fuisset, refugit ad legatos? Nonne ad hunc Cn. Domitium venit? Nonne audiente hoc Servio Sulpicio, clarissimo viro, qui tum casu apud Domitium cenabat, et hoc Tito Torquato, optimo adulescente, se a te corruptum, tuis promissis in fraudem impulsum esse confessus est? XII. Quae est ista tam impotens, tam crudelis, tam immoderata inhumanitas? Idcirco in hanc urbem venisti, ut huius urbis iura et exempla corrumperes domesticaque immanitate nostrae civitatis humanitatem inquinares?

33 At quam acute conlecta crimina! "Blesamius"

[a] Cn. D. Ahenobarbus, *trib. pl.* 104.
[b] Cn. D. Calvinus, in court as *advocatus* for Deiotarus; see §§ 14, 25.
[c] The famous jurist, consul 51.

For when the chattel that sits at our hearth can swagger abroad at will and do battle against us, then servitude rises to mastery, and mastery sinks to servitude. Times have indeed changed, and manners 31
with them! When the great Gnaeus Domitius,[a] whom our boyhood's days saw as consul, censor, and Pontifex Maximus, had as tribune of the plebs summoned Marcus Scaurus, the leading citizen of his time, before a popular court, and when a slave of Scaurus had come secretly to his house offering to lay charges against his master, Domitius ordered the fellow to be arrested and haled before Scaurus. I do wrong to compare Castor with Domitius, but mark the difference: *he* sent back the slave to his enemy, *you* seduced him from your grandfather; *he* would not listen to an unbribed slave, *you* bribed him; *he* spurned the aid of a slave against his master, you actually employed him as accuser. Oh but he was only 32
once bribed by you. But after he had been brought forward and had been in your company, did he not escape back to the ambassadors? Did he not betake himself to Gnaeus Domitius[b] here? Did he not, in the hearing of the renowned Servius Sulpicius,[c] who happened to be dining with Domitius at the time, and of my excellent young friend here Titus Torquatus, admit that he had been bribed by you, and by your promises driven to evil courses? XII. What headstrong, what pitiless, what unbridled barbarity is this you display! Is it for this that you have visited our city?—to subvert that city's laws and traditions and to contaminate the amenities of our society by the monstrous perversion of domestic intercourse?

But how astutely has he raked together his charges! 33

inquit—eius enim nomine, optimi viri nec tibi ignoti, male dicebat tibi—" ad regem scribere solebat te in invidia esse, tyrannum existimari, statua inter reges posita animos hominum vehementer offensos, plaudi tibi non solere." Nonne intellegis, Caesar, ex urbanis malevolorum sermunculis haec ab istis esse conlecta? Blesamius tyrannum Caesarem scriberet? Multorum enim capita civium viderat, multos iussu Caesaris vexatos, verberatos, necatos, multas adflictas et eversas domos, armatis militibus refertum forum! Quae semper in civili victoria
34 sensimus, ea te victore non vidimus. Solus, inquam, es, C. Caesar, cuius in victoria ceciderit nemo nisi armatus. Et quem nos liberi, in summa libertate nati, non modo non tyrannum, sed clementissimum in victoria ducem vidimus, is Blesamio, qui vivit in regno, tyrannus videri potest? Nam de statua quis queritur, una praesertim, cum tam multas videat? Valde enim invidendum est eius statuis, cuius tropaeis non invidemus. Nam si locus adfert invidiam, nullus locus est ad statuam quidem rostris clarior. De plausu autem quid respondeam? Qui nec desideratus umquam a te est et non numquam obstupefactis hominibus ipsa admiratione compressus est et fortasse eo praetermissus, quia nihil volgare te dignum videri potest.

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[a] Member of the embassies sent by Deiotarus to Caesar at (1) Tarraco, (2) Rome.
[b] Fixed upon the rostra; ironical of course.
[c] Caesar's was on the Capitol (with those of the kings); not on the rostra (with those of great generals). Note how C. evades the real point.

"Blesamius,"[a] he says—for it was under the name of this excellent man, with whom, Caesar, you are not unacquainted, that he proceeded to slander you,—"was in the habit of writing to the king, saying that you were under a cloud, that you were looked upon as a tyrant, that public feeling had been gravely affronted by the placing of your statue among those of the kings, and that no applause greeted you." Do you not realize, Caesar, that these fellows have gleaned these statements from the evil insinuations of street-corner gossipers? Blesamius to write of Caesar as a tyrant! Yes, for he had seen the heads of many citizens,[b] many by Caesar's orders persecuted, scourged, done to death; many homes devastated and overthrown; the forum packed with armed soldiery. What we have always experienced in the victories of civil warfare, we did not see when you were victor.
Yes, you, Gaius Caesar, are the only conqueror in 34
whose hour of triumph none save combatants have fallen. We, free men born in freedom's fairest clime, so far from finding you a tyrant, have seen in you a leader of unbounded mercy in the day of victory; and can Blesamius, the subject of a despot, deem you a tyrant? For as to the statue, who complains of that—one statue when he sees so many? Fine reason, indeed, to resent the statues of one whose trophies we have not resented! For if it is the *position* of the statue that arouses resentment, there is no place for a statue more splendid than the rostra.[c] And as to the applause, what answer shall I make? To win applause was at no time your aim, and sometimes it has been silenced because sheer wonder struck men dumb, or perhaps omitted because nothing commonplace seems worthy of you.

35 XIII. Nihil a me arbitror praeteritum, sed aliquid
ad extremum causae reservatum. Id autem aliquid
est, te ut plane Deiotaro reconciliet oratio mea.
Non enim iam metuo ne tu illi suscenseas; illud
vereor ne tibi illum suscensere aliquid suspicere:
quod abest longissime, mihi crede, Caesar. Quid
enim retineat per te meminit, non quid amiserit;
neque se a te multatum arbitratur, sed, cum existi-
mares multis tibi multa esse tribuenda, quo minus
a se, qui in altera parte fuisset, ea sumeres non
36 recusavit. Etenim si Antiochus, Magnus ille, rex
Asiae, cum, postea quam a L. Scipione devictus est,
Tauro tenus regnare iussus esset, omnemque hanc
Asiam, quae est nunc nostra provincia, amisisset,
dicere est solitus benigne sibi a populo Romano esse
factum, quod nimis magna procuratione liberatus
modicis regni terminis uteretur, potest multo facilius
se Deiotarus consolari: ille enim furoris multam
sustulerat, hic erroris. Omnia tu Deiotaro, Caesar,
tribuisti, cum et ipsi et filio nomen regium conces-
sisti: hoc nomine retento atque servato nullum
beneficium populi Romani, nullum iudicium de se
senatus imminutum putat. Magno animo et erecto
est, nec umquam succumbet inimicis, ne fortunae
37 quidem. Multa se arbitratur et peperisse ante

[a] At Magnesia, 190.

XIII. There is no point, I think, that I have passed 35
over, but there is something that I have reserved for
the end of my speech. The object of this "some-
thing" is that my words may completely reconcile
you with Deiotarus. Not that I fear any longer that
you cherish a grievance against him; I rather fear
lest you should suspect that *he* cherishes some griev-
ance against *you*. But believe me, Caesar, nothing
is farther from the truth. He remembers what you
have helped him to retain, not what you have helped
him to lose; he does not consider that you have
inflicted a penalty on him, but, since you thought
that there was much that you must bestow on many
of your supporters, he has not objected to your taking
it from him who was your opponent. Antiochus 36
the Great, king of Asia, when after his defeat[a]
at the hands of Lucius Scipio he was compelled to
recognize the Taurus as the limit of his realm, and
had forfeited all that territory which is to-day our
province of Asia, commonly asserted that he had
been kindly treated by the Roman people, in that he
had been released from a too extensive jurisdiction
and his kingdom reduced to reasonable proportions.
Deiotarus has far better reason to console himself
than had he; for Antiochus had borne the penalty
of madness, Deiotarus of a mistake. Full payment,
Caesar, was made by you to Deiotarus, when you
allowed the kingly title to himself and to his son.
That title maintained and assured to him, he thinks
that the kindness of the Roman people and the
opinion held of him by the Senate has been no whit
diminished. Proud and erect of heart he stands, nor
shall he ever bow to his foes—no, nor yet to fortune.
He deems himself to have earned by his past actions 37

factis et habere in animo atque virtute, quae nullo modo possit amittere. Quae enim fortuna aut quis casus aut quae tanta possit iniuria omnium imperatorum de Deiotaro decreta delere? Ab omnibus enim est ornatus, qui, postea quam in castris esse potuit per aetatem, in Asia, Cappadocia, Ponto, Cilicia, Syria bella gesserunt: senatus vero iudicia de illo tam multa tamque honorifica, quae publicis populi Romani litteris monimentisque consignata sunt, quae umquam vetustas obruet aut quae tanta delebit oblivio? Quid de virtute eius dicam? De magnitudine animi, gravitate, constantia? Quae omnes docti atque sapientes summa, quidam etiam sola bona esse dixerunt, hisque non modo ad bene, sed etiam ad beate vivendum contentam esse virtutem.

38 Haec ille reputans et dies noctisque cogitans non modo tibi non suscenset—esset enim non solum ingratus, sed etiam amens,—verum omnem tranquillitatem et quietem senectutis acceptam refert clementiae tuae. XIV. Quo quidem animo cum antea fuit, tum non dubito quin tuis litteris, quarum exemplum legi, quas ad eum Tarracone huic Blesamio dedisti, se magis etiam erexerit ab omnique sollicitudine abstraxerit; iubes enim eum bene sperare et bono esse animo, quod scio te non frustra scribere solere. Memini enim isdem fere verbis ad me te scribere meque tuis litteris bene sperare non frustra

39 esse iussum. Laboro equidem regis Deiotari causa,

and to hold by his valorous spirit many possessions that can never be taken from him. What vicissitude, what stroke of fate, what outrage, can avail to cancel the decrees of all our generals about Deiotarus? He has been complimented by all who, since he was of an age to serve in the field, have waged our wars in Asia, Cappadocia, Pontus, Cilicia, Syria; and as for the numerous laudatory pronouncements of the Senate upon him which are vouched for by the records and memorials of the Roman people, what lapse of time shall ever efface those, or what oblivion shall be so great as to cancel them? And what shall I say of his valour, his magnanimity, his steadfastness, and his fortitude? These qualities have by all wise men and philosophers been asserted to be the highest, and by some to be the only valid possessions; it has been said that, possessing these, virtue possesses all that is requisite for the good, nay, for the happy life.

Amid such reflections, dwelling day and night upon 38
these thoughts, so far is he from cherishing a grievance against you—for he would be ungrateful and even mad to do so—that he attributes to your clemency all the tranquillity and repose that his declining years enjoy. XIV. Such were his previous feelings; and I doubt not that, as a result of the letter, a copy of which I have read, which you gave to Blesamius here at Tarraco to deliver to him, he has become still further reassured and freed from all anxiety. In that letter you bid him take comfort and be of good hope; and I know that not idly did you write those words. For I recollect that it was in very similar words you wrote to me, and that in your letter I was urged, and not in vain, "to be of good hope." For 39
my own part, I am deeply concerned for King Deio-

quocum mihi amicitiam res publica conciliavit, hospitium voluntas utriusque coniunxit, familiaritatem consuetudo attulit, summam vero necessitudinem magna eius officia in me et in exercitum meum effecerunt: sed cum de illo laboro tum de multis amplissimis viris, quibus semel ignotum a te esse oportet, nec beneficium tuum in dubium vocari, nec haerere in animis hominum sollicitudinem sempiternam, nec accidere ut quisquam te timere incipiat eorum, qui sint semel a te liberati timore.

40 Non debeo, C. Caesar, quod fieri solet in tantis periculis, temptare quonam modo dicendo misericordiam tuam commovere possim; nihil opus est: occurrere solet ipsa supplicibus et calamitosis, nullius oratione evocata. Propone tibi duos reges et id animo contemplare, quod oculis non potes: dabis profecto id misericordiae quod iracundiae denegavisti. Multa sunt monimenta clementiae tuae, sed maxima eorum incolumitates, quibus salutem dedisti; quae si in privatis gloriosa sunt, multo magis commemorabuntur in regibus. Semper regium nomen in hac civitate sanctum fuit, sociorum vero regum et ami-
41 corum sanctissimum; XV. quod nomen hi reges ne amitterent te victore timuerunt, retentum vero et a te confirmatum posteris etiam suis tradituros se esse confidunt. Corpora sua pro salute regum suorum hi

[a] In Cilicia.

[b] *i.e.*, Deiotarus and his son.

[c] So long as they were *foreign* kings; *cf.* the words of Scipio in Livy, xxvii. 19: "regium nomen, alibi magnum, Romae intolerabile esse."

tarus; public life has bound me to him in friendship, mutual regard in hospitality, intercourse in intimacy; while his great services to me and to my army [a] have riveted me to him by the closest of ties; but with all my anxiety for him, my anxiety extends also to many distinguished men whose pardon received at your hands should be final, and who should feel no uncertainty about your bounty; it is not right that apprehension should linger everlastingly in the minds of men, nor that any should begin to fear you of those whom you have once for all freed from fear.

It would be wrong of me, Gaius Caesar, to do what 40
is commonly done at such anxious moments as this—to essay by what arts of oratory I may work upon your compassion—wrong, and unnecessary, for compassion of her own free will, unsolicited by the eloquence of any, comes to meet the stricken suppliant. Do but picture to yourself these two kings,[b] contemplate in your imagination what you cannot contemplate with your eyes; and assuredly you will concede to your compassion what you did not concede to your wrath. Many are the memorials of your clemency, but none greater than the amnesty you have accorded to those who owe their lives to you. If such bestowals are glorious when granted to subjects, far more highly will they be extolled when kings are their recipients. Ever has the name of king been hallowed in our society [c]; most hallowed
that of kings who are our allies and friends. XV. Of 41
that name these kings feared that your victory might rob them; but I trust that you have maintained and confirmed it to them that they may hand it on to their posterity. We have here royal delegates who surrender their persons to you on behalf of the safety

legati tibi regii tradunt, Hieras et Blesamius et Antigonus, tibi nobisque omnibus iam diu noti, eademque fide et virtute praeditus Dorylaus, qui nuper cum Hiera legatus est ad te missus, cum regum
42 amicissimi, tum tibi etiam, ut spero, probati. Exquire de Blesamio num quid ad regem contra dignitatem tuam scripserit. Hieras quidem causam omnem suscipit et criminibus illis pro rege se supponit reum; memoriam tuam implorat, qua vales plurimum; negat umquam se a te in Deiotari tetrarchia pedem discessisse; in primis finibus tibi se praesto fuisse dicit, usque ad ultimos prosecutum; cum e balneo exisses, tecum se fuisse, cum illa munera inspexisses cenatus, cum in cubiculo recubuisses; eandemque
43 adsiduitatem tibi se praebuisse postridie: quam ob rem si quid eorum, quae obiecta sunt, cogitatum sit, non recusat quin id suum facinus iudices. Quocirca, C. Caesar, velim existimes hodierno die sententiam tuam aut cum summo dedecore miserrimam pestem importaturam esse regibus aut incolumem famam cum salute: quorum alterum optare illorum crudelitatis est, alterum conservare clementiae tuae.

of their kings, Hieras, Blesamius, and Antigonus, men long known to you and to us all; while Dorylaus, their peer in honour and merit, was lately sent to you with Hieras upon a mission. All these are not only close friends of the kings, but have also, I trust, deserved of your approbation. Ask of Blesamius 42
whether he has written to the king a word in disparagement of your dignity. Hieras bears the whole burden of the case, and stands at the bar to answer these charges as substitute for his king. He appeals to your memory which is excellent; he says that he never stirred a foot's length from you while you were in Deiotarus's tetrarchy; that he joined you on the one frontier and escorted you all the way to the other; that he was with you when you came from the bath, when you inspected those gifts after dinner, and when you lay down in your chamber; and that on the following day he waited upon you with no less assiduity. Wherefore if any of 43
the plots which are the subject of this charge has been contemplated, he does not object that you should judge the crime as his own. I would therefore have you bear in mind, Gaius Caesar, that your verdict of to-day will bring upon the kings either pitiable ruin and deep disgrace, or deliverance and a restored reputation: to desire the former suits with the implacability of our opponents; to preserve the latter with the clemency which is yours.

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